

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
E/S Poplar Drive, 360 ft. S
of c/l Park Drive * ZONING COMMISSIONER
2510 Poplar Drive
1st Election District * OF BALTIMORE COUNTY
2nd Councilmanic District * CASE # 92-209-SPH
Ronald Tracy and Patricia
Martin *
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing seeking approval of a nonconforming use of a two (2) apartment dwelling at the subject property known as 2510 Poplar Drive. The improvements and property are more particularly shown on the plat to accompany the Petition for Special Hearing, marked as Petitioners' Exhibit No. 2A.

The Petitioners/property owners, Ronald Tracy and Patricia Martin, appeared, testified and were represented by Francis X. Borgerding, Jr., Esquire. Appearing in opposition to the Petition was William Obrieht, Karen Gray and Angeline Malcolm, all residents of the subject community.

The subject property is a rectangularly shaped lot roughly 50 ft. wide and 190 ft. deep. The parcel is located in the residential subdivision of Larchmont in the Gwynn Oak section of Baltimore County. The property is improved by a framed shingled bungalow dwelling. The property is zoned D.R.5.5. The rear of the lot features an existing garage.

The Petitioners, Ronald Tracy and Patricia Martin, argue that the subject dwelling is a lawful nonconforming use, pursuant to Section 104 of the Baltimore County Zoning Regulations (B.C.Z.R.). In the instant case, a two apartment dwelling at this site was permissible under the zoning regulations enacted in Baltimore County in 1945. The use became impermissible during

ORDER RECEIVED FOR FILING

Date

By

4/1/92
Mr. G. G. G. G.

CERTIFICATE OF PUBLICATION

TOWSON, MD., Nov. 29, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov 28, 1991.

THE JEFFERSONIAN,

S. Zehe
Publisher

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 92-208-SPH
E/S Poplar Drive, 360'
S of c/l Park Drive
2510 Poplar Drive
1st Election District
2nd Councilmanic
Petitioner(s):

Ronald Tracy and
Patricia Martin
Hearing Date: Friday,
Dec. 13, 1991 at 9:00 a.m.

Special Hearing: to approve the non-conforming use of a two apartment dwelling.

LAWRENCE E. SCHMIDT,
Zoning Commissioner of
Baltimore County

C/J/11/289 November 28.

289
\$54.00

Pet ex 6

A F F I D A V I T

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant and Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

John P. Collins
AFFIANT (Handwritten Signature)

John & Joan Collins
AFFIANT (Printed Name)

I have personal knowledge that the home located at _____

2510 Poplar Dr. Balto Md 21207
(Address)

has been occupied as a Two Apartments
Income Producing apartment dwelling since
(two, three, etc.)

Jan, 1958. I also have personal knowledge that all
(month) (year)

apartments within the dwelling have been occupied as such continuously and without interruption of more than one (1) year during any one period

since Jan, 1958. This personal knowledge is based upon:
(month) (year)

previous rentals, information from previous
owners, & neighborhood input. Bought the property
from Joseph M. & Edith M. Collins (other affiant)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28 day of April, 1986, before me, a Notary Public of the State of Maryland, in and for the County afore-said, personally appeared John P. Collins & Joan M. Collins, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Charles J. Lencelotti
NOTARY PUBLIC

My Commission Expires: 5/1/86

Pet. ex 7

A F F I D A V I T

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant and Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Joseph M. Collins
Edith M. Collins

AFFIANT (Handwritten Signature)

Joseph M. + Edith M. Collins
AFFIANT (Printed Name)

I have personal knowledge that the home located at

2510 Poplar Dr. Balto. Md 21207
(Address)

has been occupied as a Two Apts
income producing apartment dwelling since
(two, three, etc.)

Jan, 1955. I also have personal knowledge that all
(month) (year)

apartments within the dwelling have been occupied as such continuously and without interruption of more than one (1) year during any one period since Jan, 1955. This personal knowledge is based upon:
(month) (year)

previous rentals, information from previous
owners + neighborhood input,

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

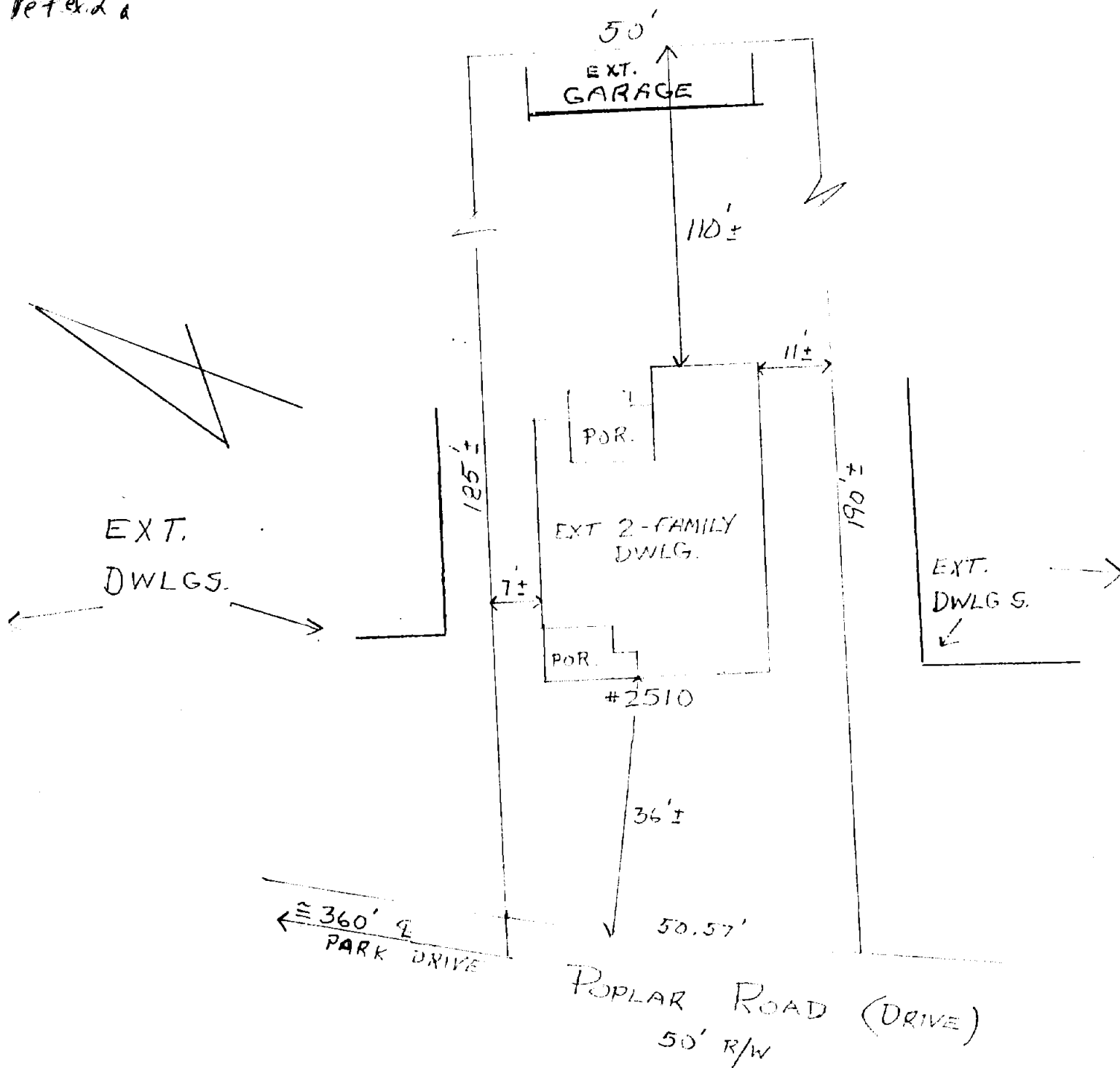
I HEREBY CERTIFY, this 25 day of April, 19 86. before me, a Notary Public of the State of Maryland, in and for the County afore-said, personally appeared John P. Collins + Joan M. Collins, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Charles J. Lenczowski
NOTARY PUBLIC

My Commission Expires: 7/1/86

Ref. 2 a



PLAT FOR SPECIAL HEARING FOR NONCONFORMING USE
FOR 2-FAMILY DWELLING #2510 POPLAR ROAD (DRIVE)

OWNERS:

COUNCILMANIC DIST: 2ND.

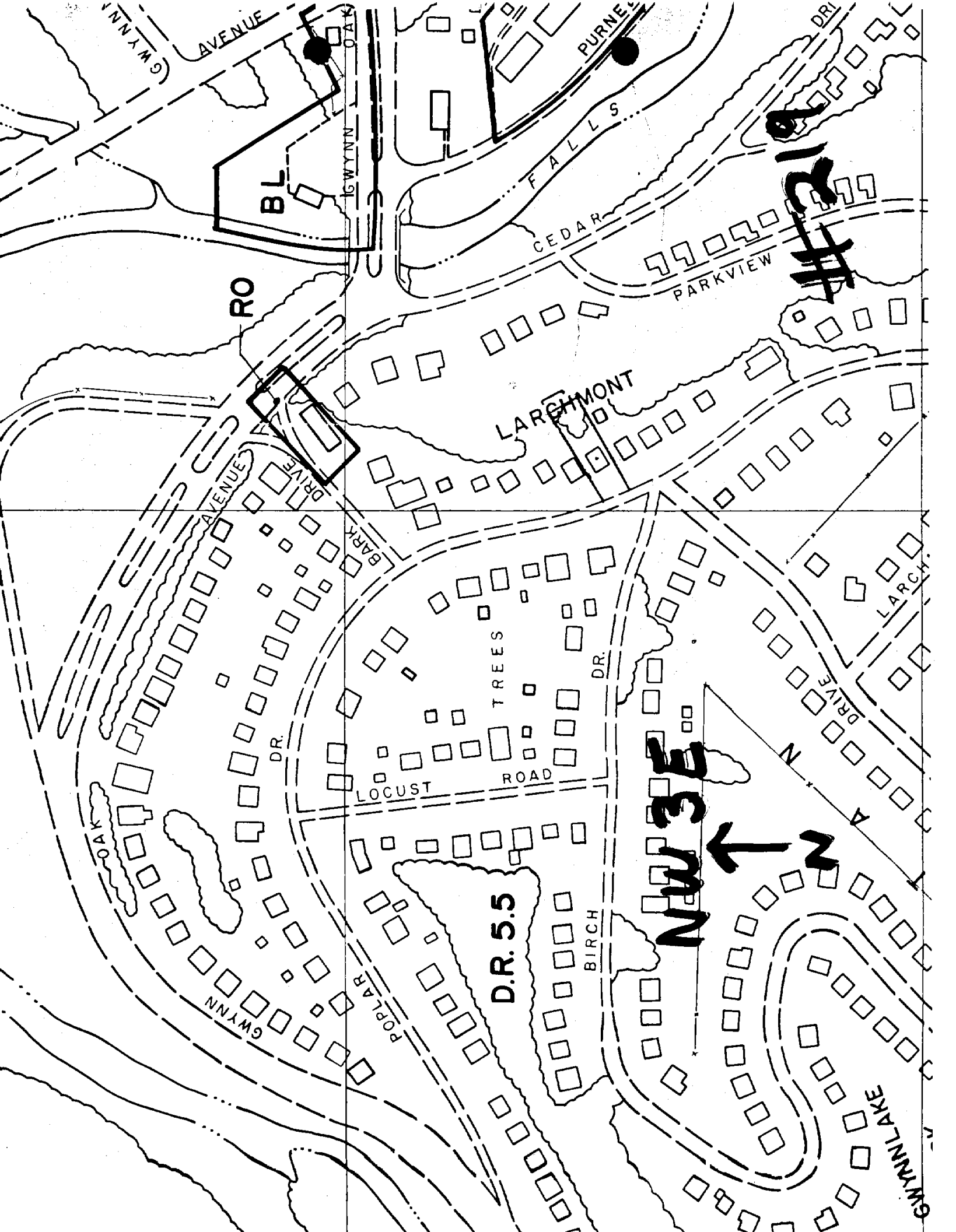
ELECTION DIST: 1ST

ZONED: DR 5.5

PUBLIC UTILITIES EXIST

SCALE 1" = 20'

LOT #19 BLOCK '8' OF
LARCHMONT (7/16)



GWYNN AVENUE

BL

RO

PURNE

FALLS

CEDAR

PARKVIEW

LARCHMONT

AVENUE

DRIVE

BARK

DR.

TREES

ROAD

LOCUST

DR.

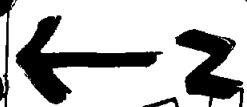
D.R. 5.5

BIRCH

POPLAR

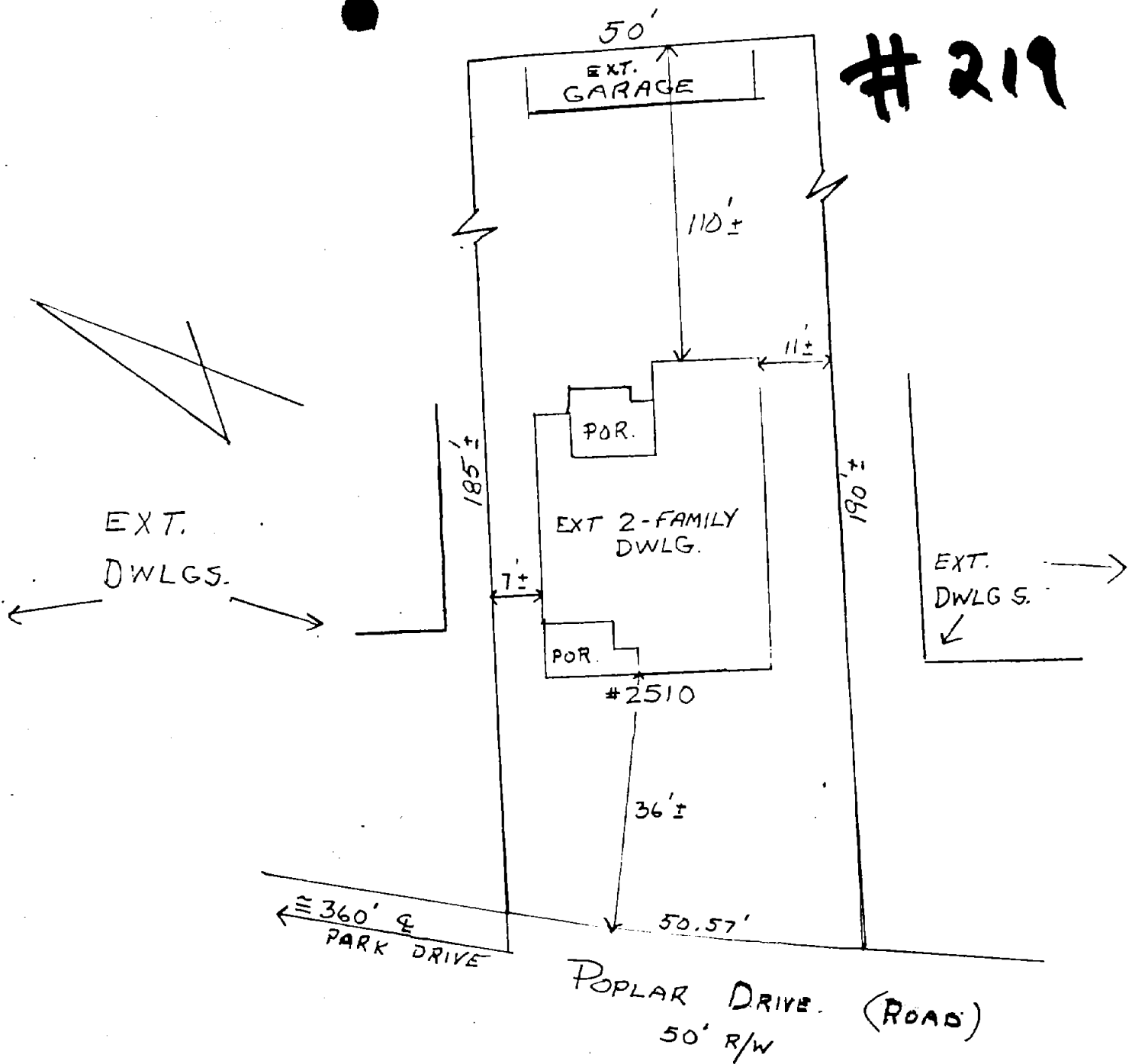
GWYNN

NW 3E



1219

GWYNLAKE



PLAT FOR SPECIAL HEARING FOR NONCONFORMING USE
FOR 2-FAMILY DWELLING #2510 POPLAR ROAD (DRIVE)

OWNERS: RON TRACEY & PATRICIA MARTIN

COUNCILMANIC DIST.: 2ND.

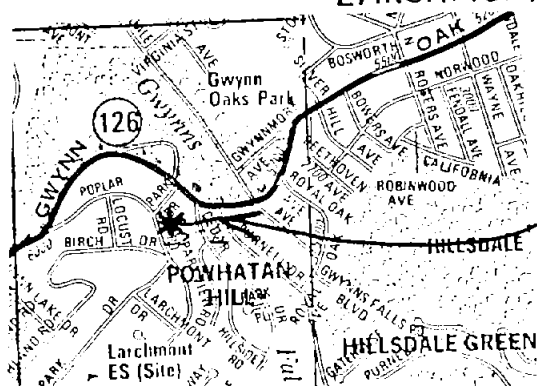
ELECTION DIST.: 1ST

ZONED: DR5.5

PUBLIC UTILITIES EXIST

SCALE 1" = 20'

LOT #19 BLOCK '8' OF
 LARCHMONT (7/16)



DESCRIPTION FOR SPECIAL HEARING

2510 Poplar Road (Drive)

Located on the east side of Poplar Road, approx. 360' southeast of the centerline of Park Drive, and known as lot #19 block 8 as shown on the plat of Larchmont, which is recorded in the land records of Balto. Co. in plat book #7, folio #16.
This property is also known as #2510 Poplar Drive and contains approx. 7500 square feet.

DESCRIPTION

92-209-SPH

Located on the east side of Poplar Drive (Road) approximately 360' south of the centerline of Park Drive and known as lot #19 Block 8 as shown on the plat of Larchmont, which plat is recorded among the land records of Baltimore County in plat book #7, folio #16. This property is also known as #2510 Poplar Drive (Road). Containing approximately 9375 Square feet.

#219

CERTIFICATE OF PUBLICATION

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 82-200-0000

E/S Poplar Drive, 380'

S of c/l Park Drive

2510 Poplar Drive

1st Election District

2nd Councilmanic

Petitioner(s):

Ronald Tracy and

Patricia Martin

Hearing Date: Friday,

Dec. 13, 1991 at 9:00 a.m.

Special Hearing: to approve the non-conforming use of a two apartment dwelling.

LAWRENCE E. SCHMIDT,

Zoning Commissioner of

Baltimore County

C/J/11/289 November 28.

Nov 29, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov 28, 1991.

CATONSVILLE TIMES

S. Zehe Orlin
Publisher

\$ 54.06

25

79.64

CERTIFICATE OF PUBLICATION

TOWSON, MD., Nov. 29, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov 28, 1991.

THE JEFFERSONIAN,

S. Zehe
Publisher

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 92-209-SPH
E/S Poplar Drive, 360'
S of c/I Park Drive
2510 Poplar Drive
1st Election District
2nd Councilmanic
Petitioner(s):

Ronald Tracy and
Patricia Martin
Hearing Date: Friday,
Dec. 13, 1991 at 9:00 a.m.

Special Hearing: to approve the non-conforming use of a two apartment dwelling.

LAWRENCE E. SCHMIDT,
Zoning Commissioner of
Baltimore County

C/J/11/289 November 28.

289
\$54.00

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 1st Date of Posting 92-209-SPH

Posted for: Special Hearing

Petitioner: Ronald Tracy & Patricia Martin

Location of property: E/S of Poplar Drive, 360' S of the C/L
of Park Drive - 2510 Poplar Drive

Location of Signs: In front of 2510 Poplar Drive

Remarks: _____

Posted by _____ Signature _____ Date of return: 3-13-92

Number of Signs: 1



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 1st Date of Posting 92-209-SPH
Posted for: Special Hearing
Petitioner: Ronald Tracy & Patricia Martin
Location of property: E/S of Poplar Drive, 360' E of the C/L
of Park Drive - 2510 Poplar Drive
Location of Signs: In front of 2510 Poplar Drive
Remarks: _____
Posted by _____ Signature _____ Date of return: 3-13-92
Number of Signs: 1



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

92-209-SPH

District 1st

Date of Posting November 23, 1991

Posted for: Special Hearing

Petitioner: Ronald Tracy and Patricia Martin

Location of property: E/S Poplar Drive, 360' S of c/r Park Drive
2510 Poplar Drive

Location of Signs: In front of 2510 Poplar Drive

Remarks: _____

Posted by S.J. Arata
Signature

Date of return: December 2, 1991

Number of Signs: 1



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

received

Date

Account: R-001-6150

Number

PLS. HEARING FEE

1.00

PRICE

CBG - SPECIAL HEARING (FRL)

1.00

\$35.00

TOTAL:

\$36.00

LAST NAME OF OWNER: TRACY

04AD4#0166MICHRC

\$35.00

BA 0001:09PM11-01-91

Please Make Checks Payable To: Baltimore County

shier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 12-5-91

Ronald Tracy and Patricia Martin
5412 Gwynndale Avenue
Baltimore, Maryland 21207

RE:

CASE NUMBER: 92-209-SPH
E/S Poplar Drive, 360' S of c/l Park Drive
2510 Poplar Drive
1st Election District - 2nd Councilmanic
Petitioner(s): Ronald Tracy and Patricia Martin

Dear Petitioner(s):

Please be advised that \$ 79.66 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

ARNOLD JABLON
DIRECTOR

S. Eric DiNenna, Esq.



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Receipt

Date

92-101

Account: R 003-6150
Number

100.00

FOR HEARING FEE

FOR HEARING FEE

Please Make Checks Payable To: Baltimore County

Cashier Validation

FOR HEARING FEE

FOR HEARING FEE

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

NOVEMBER 19, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-209-SPH

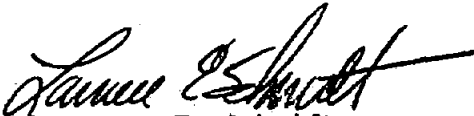
E/S Poplar Drive, 360' S of c/l Park Drive
2510 Poplar Drive

1st Election District - 2nd Councilmanic

Petitioner(s): Ronald Tracy and Patricia Martin

HEARING: FRIDAY, DECEMBER 13, 1991 at 9:00 a.m.

Special Hearing to approve the non-conforming use of a two apartment dwelling.


Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Ronald Tracy, et al
S. Eric DiNenna, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

NOVEMBER 29, 1991

NOTICE OF POSTPONEMENT

CASE NUMBER: 92-209-SPH
PETITIONER(S): RONALD TRACY & PATRICIA MARTIN
LOCATION: 2510 POPLAR DRIVE

THE ABOVE MATTER, PREVIOUSLY ASSIGNED TO HEARD ON DECEMBER 13, 1991,
HAS BEEN POSTPONED AT THE REQUEST OF GEORGE A. BRESCHI, ESQUIRE.

NOTIFICATION OF THE NEW HEARING DATE WILL BE FORWARDED SHORTLY.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Ronald Tracy, et al
George A. Breschi

*Disregard
Postponement due to
death of attorney
however, replacement
will proceed on
date 8/12/91*

Postponement sticker mailed.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

COPY

FEBRUARY 25, 1992

NOTICE OF REASSIGNMENT

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-209-SPH

E/S Poplar Drive, 360' S of c/l Park Drive

2510 Poplar Drive

1st Election District - 2nd Councilmanic

Petitioner(s): Ronald Tracy and Patricia Martin

HEARING: THURSDAY, MARCH 26, 1992 at 9:00 a.m.

Special Hearing to approve the non-conforming use of a two apartment dwelling.

Zoning Commissioner of
Baltimore County

cc: Ronald Tracy and Patricia Martin
Francis X. Borgerding, Jr., Esq.



#219

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

92-209-SPH

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve -----

Non-conforming use of a two (2) apartment dwelling

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Legal Owner(s):

Ronald Tracy

(Type or Print Name)

Signature

Patricia Martin

(Type or Print Name)

Signature

Attorney for Petitioner:

S. Eric DiNenna

(Type or Print Name)

Signature

409 Washington Ave., #600

Address

Towson, MD 21204

City and State

Attorney's Telephone No.: 296-6820

c/o 5412 Gwynndale Avenue

Address

Phone No.

Baltimore, MD 21207

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

S. Eric DiNenna

Name

409 Washington Ave., #600

Address

Phone No.

Towson, MD 21204

296-6820

~~ORDERED~~ By The Zoning Commissioner of Baltimore County, this ----- day of -----, 19-----, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the ----- day of -----, 19-----, at ----- o'clock -----M.

Zoning Commissioner of Baltimore County.

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
E/S Poplar Drive, 360 ft. S
of c/l Park Drive * ZONING COMMISSIONER
2510 Poplar Drive
1st Election District * OF BALTIMORE COUNTY
2nd Councilmanic District *
* CASE # 92-209-SPH
Ronald Tracy and Patricia
Martin *
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing seeking approval of a nonconforming use of a two (2) apartment dwelling at the subject property known as 2510 Poplar Drive. The improvements and property are more particularly shown on the plat to accompany the Petition for Special Hearing, marked as Petitioners' Exhibit No. 2A.

The Petitioners/property owners, Ronald Tracy and Patricia Martin, appeared, testified and were represented by Francis X. Borgerding, Jr., Esquire. Appearing in opposition to the Petition was William Obrieht, Karen Gray and Angeline Malcolm, all residents of the subject community.

The subject property is a rectangularly shaped lot roughly 50 ft. wide and 190 ft. deep. The parcel is located in the residential subdivision of Larchmont in the Gwynn Oak section of Baltimore County. The property is improved by a framed shingled bungalow dwelling. The property is zoned D.R.5.5. The rear of the lot features an existing garage.

The Petitioners, Ronald Tracy and Patricia Martin, argue that the subject dwelling is a lawful nonconforming use, pursuant to Section 104 of the Baltimore County Zoning Regulations (B.C.Z.R.). In the instant case, a two apartment dwelling at this site was permissible under the zoning regulations enacted in Baltimore County in 1945. The use became impermissible during

ORDER RECEIVED FOR FILING

Date

By

4/1/92
Mr. G. G. G. G.

received



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

Date
7

11/17/91

RECEIVED

PUBLIC HEARING FEE

1.00

PRICE

CBG - SPECIAL HEARING (CPL)

1.00

CBG ON

TOTAL:

\$35.00

LAST NAME OF OWNER: TRACY

09A04#0166MICHRC

\$35.00

BA 0001:09PM11-01-91

Please Make Checks Payable To: Baltimore County

Cashier Validation

the comprehensive revision of the regulations in 1955. Thus the Petitioners must show that the two apartment use predates 1955, and has continued uninterruptedly since that time. Section 104.1 of the B.C.Z.R., provides that a nonconforming use may legitimately continue providing that same has not been changed, abandoned or discontinued for a period of one year or more. The subject case turns on the issue as to whether the subject nonconforming use has been abandoned or discontinued for a period of one year or more.

Testimony offered from Mr. Tracy was that he and Ms. Martin acquired the property on September 15, 1986. The property was purchased as an investment property and was then advertised as a two apartment dwelling unit. The Petitioners purchased the property from Mr. and Mrs. John P. Collins. Mr. Tracy also described the property in detail. The layout of the subject building is shown both on the floor plan submitted as Petitioners' Exhibit No. 3, as well as the numerous photographs which were submitted into evidence. It is clear that the property is presently being used as a two apartment structure. Access to the building is through a front door which opens into a small vestibule. From that foyer, separate doors lead to the first floor apartment, as well as the second floor unit. Each unit is comprised of several rooms which are used as bedrooms, dens or living room areas, at the option of the tenant. Further, each floor has its own kitchen as well as bathroom facilities.

Mr. Tracy further testified that he rented the apartments immediately upon his acquisition of the property and that they have continually been rented since that time, but for small periods in between tenants. Although he has no personal knowledge of the history of this property prior to his acquisition, he testified that he was advised by Mr. and Mrs. Collins that

ORDER RECEIVED FOR FILING

Date

4/1/92

By

Mr. D. J. [Signature]

the property was a legitimate two apartment unit and was in compliance with all applicable zoning regulations.

The Co-Petitioner/Co-Owner of the property, Patricia Martin, also testified. She lives approximately one mile from the site and purchased same as an investment property with Mr. Tracy in 1986. She also thought, at the time of settlement, that she had the continuing right to use the property as a two apartment dwelling and that same use was legitimately a nonconforming use as defined within the Baltimore County Zoning Regulations.

Also testifying on behalf of the Petitioners was John L. Duerr, a former resident of the subject neighborhood. He lived at 2512 Poplar Drive, immediately next door from the subject property, from 1957 to approximately 1984. He was not clear on exactly when he moved from that residence. His testimony was that, during his entire period of residence, the unit was used as a two apartment dwelling. His memory was quite impressive in that he was able to recall many of the tenants who occupied the property during the many years in which he lived next door.

In addition to the testimony of the above witnesses, the Petitioners also offered, as Petitioners' Exhibits No. 6 and 7, photocopies of affidavits from prior property owners. The Petitioners' Exhibit No. 7 is an affidavit from Joseph M. and Edith M. Collins who owned the property in the 1960s and 1970s. This affidavit states that the property was used as a two apartment unit from 1955 through their period of ownership. Apparently, the property was then acquired by Mr. and Mrs. Collins' son, John "Pat" Collins and his wife, Joan Collins in 1975. The Petitioners' Exhibit No. 6, a photocopy of an affidavit signed by John and Joan Collins, indicates that the property was a two apartment dwelling during John and Joan Collins' period of ownership.

ORDER RECORDED FOR FILING
4/1/92
Mr. - [Signature]
Date
By

In opposition to the Petitioners' request, Karen Gray, a neighbor at 2604 Poplar Drive, testified. She recalls, specifically, looking at the house in 1985 when she was contemplating moving into this area. At that time, she met with Pat and Joan Collins on several occasions and inspected the subject property. She remembers quite clearly that the second floor was not being used as an apartment, at the time of her inspections. Her recollection was that the Collins' children occupied the rooms on the second floor and that the dwelling was used as a single family residence during the Spring and Summer of 1985.

Also testifying was Angeline Malcolm. She now lives in Mr. Duerr's house, having purchased same on December 28, 1985. She indicated that she purchased her house from Mr. and Mrs. Schwartz, who had owned same for "a couple of years". Her recollection is consistent with Mr. Duerr's testimony, that he moved out in approximately 1984. She, likewise, testified extensively as to the use of the subject property in 1985 and 1986. She believes that the property was converted to a single family dwelling during that time and that the entire house was used by Mr. and Mrs. Collins and their children.

Mr. Obrieht's testimony was in support of these witnesses and their testimony. He does not believe that the existing apartment use is compatible with the residential neighborhood.

In reviewing all of the testimony and evidence presented, it is clear that the property was used as a two apartment building since prior to the operative date of 1955 through, at least, 1983/84, when Mr. Duerr moved away from next door. Further, the Petitioners/present property owners have testified that they used the property as a two apartment dwelling during their period of ownership which encompasses December of 1986 to the present. The

ORDER RECORDED FOR FILING
Date 4/11/92
By Mr. G. H. H. H.

sole question presented is whether the use was interrupted from 1983/84 until the Petitioners' acquisition in 1986.

The evidence which the Petitioners offer in support of their Petition that the nonconforming use continued during that vital three year period are the affidavits signed by Mr. and Mrs. Collins, Sr., and Mr. and Mrs. Collins, Jr., and submitted as Petitioners' Exhibits No. 6 and 7. However, contrary to those are Protestants' Exhibit No. 1, an original affidavit from John P. and Joan M. Collins dated December 7, 1991. That affidavit indicates that the property was used as a single family home from 1981 through 1986. As was noted at the hearing, one of the affidavits signed by Mr. and Mrs. John P. Collins is clearly erroneous in that they are directly contradictory. More importantly, the only testimony presented at the hearing, regarding the three year period was offered by Mr. Gray and Mrs. Malcolm, both of who consistently testified that the property was used as a single family dwelling during 1985/86.

As with all nonconforming uses, it is the Petitioner who carries the burden to prove the nature of the lawful nonconforming use and whether there has been any change, discontinuance or abandonment of said use. Based upon the evidence which is presented, I must conclude that the Petitioners have not met this burden. Although it is clear that the two apartment use pre-dates the operative date of the regulations prohibiting this use in 1955, and has continued from 1986 to the present, there is no competent testimony that the use was not discontinued for, at least, a two year period in 1985 and 1986. Thus, the Petition for Special Hearing must fail for the reasons set forth above.

ORDER RECEIVED FOR FILING
Date 4/1/92
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 31, 1992

Francis X. Borgerding, Jr., Esquire
Suite 600, Mercantile Towson Building
409 Washington Avenue
Towson, Maryland 21204

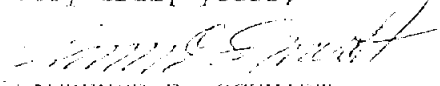
RE: PETITION FOR SPECIAL HEARING
Ronald B. Tracy, et al, Petitioners
Case No. 92-209-SPH

Dear Mr. Borgerding:

Enclosed please find a copy of the decision rendered in the above captioned matter. The Petition for Special Hearing has been denied.

In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Appeals Clerk at 887-3391.

Very truly yours,


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm
encl.
cc: Petitioners
cc: Protestants

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 12-5-91

Ronald Tracy and Patricia Martin
5412 Gwynndale Avenue
Baltimore, Maryland 21207

RE:
CASE NUMBER: 92-209-SPH
E/S Poplar Drive, 360' S of c/l Park Drive
2510 Poplar Drive
1st Election District - 2nd Councilmanic
Petitioner(s): Ronald Tracy and Patricia Martin

Dear Petitioner(s):

Please be advised that \$ 79.66 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

ARNOLD JABLON
DIRECTOR

S. Eric DiNenna, Esq.



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RECEIPT

Date

9-2-2011

Account: R-001-6150
Number

04-10-2011

RECEIVED FROM THE BALTIMORE COUNTY

04-10-2011

RECEIVED

RECEIVED FROM THE BALTIMORE COUNTY

04-10-2011

Please Make Checks Payable To: Baltimore County

RECEIVED FROM THE BALTIMORE COUNTY

04-10-2011

Cashier Validation



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date

9-2-2017

Account: R 001-6150
Number

10/1/17

10/1/17 HEARING FEES

10/1/17 HEARING FEES / 10/1/17 HEARING FEES

Please Make Checks Payable To: Baltimore County

10/1/17 HEARING FEES

10/1/17 HEARING FEES

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

NOVEMBER 19, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-209-SPH

E/S Poplar Drive, 360' S of c/l Park Drive

2510 Poplar Drive

1st Election District - 2nd Councilmanic

Petitioner(s): Ronald Tracy and Patricia Martin

HEARING: FRIDAY, DECEMBER 13, 1991 at 9:00 a.m.

Special Hearing to approve the non-conforming use of a two apartment dwelling.

A handwritten signature in cursive script, reading "Lawrence E. Schmidt".

Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Ronald Tracy, et al
S. Eric DiNenna, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

NOVEMBER 29, 1991

NOTICE OF POSTPONEMENT

CASE NUMBER: 92-209-SPH
PETITIONER(S): RONALD TRACY & PATRICIA MARTIN
LOCATION: 2510 POPLAR DRIVE

THE ABOVE MATTER, PREVIOUSLY ASSIGNED TO HEARD ON DECEMBER 13, 1991,
HAS BEEN POSTPONED AT THE REQUEST OF GEORGE A. BRESCHI, ESQUIRE.

NOTIFICATION OF THE NEW HEARING DATE WILL BE FORWARDED SHORTLY.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Ronald Tracy, et al
George A. Breschi

*Disregard
Postponement due to
death of attorney
however, replacement
will proceed on
date 8/12/91*

Postponement sticker mailed.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

COPY

FEBRUARY 25, 1992

NOTICE OF REASSIGNMENT

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-209-SPH
E/S Poplar Drive, 360' S of c/l Park Drive
2510 Poplar Drive
1st Election District - 2nd Councilmanic
Petitioner(s): Ronald Tracy and Patricia Martin
HEARING: THURSDAY, MARCH 26, 1992 at 9:00 a.m.

Special Hearing to approve the non-conforming use of a two apartment dwelling.

Zoning Commissioner of
Baltimore County

cc: Ronald Tracy and Patricia Martin
Francis X. Borgerding, Jr., Esq.



JIM DYER
ZONING OFFICE
111 CHES. AVE
TOWSON 4

Expiration Date
Jan 2, 1945

ZONING REGULATIONS AND RESTRICTIONS

FOR

BALTIMORE COUNTY

① 1958
605 147
18741 62
421 429
121 42

Adm. B. Building
7/12
12 AC

James D. Nolan
204 W. Penn. Ave.
Towson, Md. 21204

Stephen
Nolan

AD
No 8

the comprehensive revision of the regulations in 1955. Thus the Petitioners must show that the two apartment use predates 1955, and has continued uninterruptedly since that time. Section 104.1 of the B.C.Z.R., provides that a nonconforming use may legitimately continue providing that same has not been changed, abandoned or discontinued for a period of one year or more. The subject case turns on the issue as to whether the subject nonconforming use has been abandoned or discontinued for a period of one year or more.

Testimony offered from Mr. Tracy was that he and Ms. Martin acquired the property on September 15, 1986. The property was purchased as an investment property and was then advertised as a two apartment dwelling unit. The Petitioners purchased the property from Mr. and Mrs. John P. Collins. Mr. Tracy also described the property in detail. The layout of the subject building is shown both on the floor plan submitted as Petitioners' Exhibit No. 3, as well as the numerous photographs which were submitted into evidence. It is clear that the property is presently being used as a two apartment structure. Access to the building is through a front door which opens into a small vestibule. From that foyer, separate doors lead to the first floor apartment, as well as the second floor unit. Each unit is comprised of several rooms which are used as bedrooms, dens or living room areas, at the option of the tenant. Further, each floor has its own kitchen as well as bathroom facilities.

Mr. Tracy further testified that he rented the apartments immediately upon his acquisition of the property and that they have continually been rented since that time, but for small periods in between tenants. Although he has no personal knowledge of the history of this property prior to his acquisition, he testified that he was advised by Mr. and Mrs. Collins that

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

December 3, 1991

George A. Breschi, Esquire
Breschi and DiNenna
409 Washington Avenue, #600
Towson, MD 21204

RE: Item No. 219, Case No. 92-209-SPH
Petitioner: Ronald Tracy, et ux
Petition for Special Hearing

Dear Mr. Breschi:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committee Comments

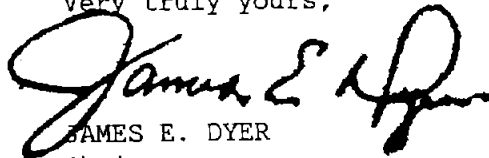
Date: December 3, 1991

Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,



JAMES E. DYER

Chairman

Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Ronald Tracy
5412 Gwynndale Avenue
Baltimore, MD 21207

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this
1st day of November, 1991.

A handwritten signature in cursive script, reading "Arnold Jablon", is written over a horizontal line.

ARNOLD JABLON
DIRECTOR

Received By:

A handwritten signature in cursive script, reading "James E. Hyman", is written over a horizontal line.

Chairman,
Zoning Plans Advisory Committee

Petitioner: Ronald Tracy, et ux

Petitioner's Attorney: George A. Breschi

B A L T I M O R E C O U N T Y , M A R Y L A N D
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: November 25, 1991
 Zoning Administration and
 Development Management

FROM: Pat Keller, Deputy Director
 Office of Planning and Zoning

SUBJECT: Tracy/Martin Property, Item No. 219✓
 Bonnie View Country Club, Item No. 210
 McKinney Property, Item No. 227

In reference to the Petitioners' request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn

ITEM219/TXTROZ

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21204-5500

(301) 887-4500

NOVEMBER 26, 1991

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: RONALD TRACY AND PATRICIA MARTIN

Location: #2510 POPLAR DRIVE

Item No.: 219 Zoning Agenda: NOVEMBER 12, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Lt. J. Pfeiffer
Planning Group
Special Inspection Division

Noted and
Approved Cpt. W. E. Brady
Fire Prevention Bureau

JP/KEK

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

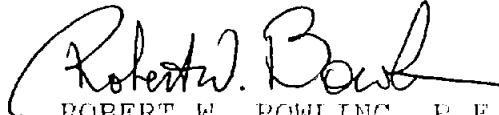
TO: Arnold Jablon, Director DATE: November 13, 1991
 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
 for November 12, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 210, 212, 213, 214, 219, 220, and 221.

For Items 215, 217 and 218, the previous County Review Group Meeting comments remain applicable to these properties.



ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

BALTIMORE COUNTY, MARYLAND

Inter-office Correspondence

TO: Gwen Stephens
Docket Clerk, Office of Zoning

DATE: December 16, 1991

FROM: Lawrence E. Schmidt
Zoning Commissioner

SUBJECT: Case No. 92-209-SPH
Ronald Tracy, et al

Newton Williams and Frank Borgerding, Jr. (an associate in Eric DiNenna's office) appeared on this case on Friday, December 13, 1991. This is a case which Eric had filed and there is a letter in the file dated December 2, 1991 from George A. Breschi, Eric's law partner, indicating that the matter was to be set back in for December 13, 1991.

At the hearing, Mr. Williams and Mr. Borgerding indicated that they were not ready to move forward and requested a postponement. I granted same. Apparently, it is unclear as to whether Mr. Borgerding or Mr. Williams, or both, will handle this case. They ask that the matter not be set in until a request is received to do so from either of them. Therefore, please hold this file to be reset for hearing upon request of Mr. Borgerding or Mr. Williams.

Also, kindly advise me if they do not request a hearing by January 15, 1992.

LES:mmn

TO: PETITIONER/ATTORNEY

PETITION PROCESSING FLAG

This petition has been accepted for filing by Mitch Kellman and has been placed on the zoning hearing agenda. However, the submitted minimum or accepted materials must be corrected/included before the application can be considered correct and complete:

_____ Need an attorney.

✓ _____ Following information is missing:

- _____ Descriptions, including accurate beginning point
- _____ Actual address of property
- _____ Zoning
- _____ Acreage
- _____ Plats (need 12, only ___ submitted)
- _____ 200 scale zoning map with property outlined
- _____ Election district
- _____ Councilmanic district
- _____ B.C.Z.R. section information/wording
- _____ Hardship/practical difficulty information
- ✓ _____ Owner's signature (~~need minimum 1 original signature~~) and/or printed name and/or address and/or telephone number
- _____ Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address
- _____ Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
- _____ Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- _____ -- ATTORNEY CONTACTED BY SOPHIA ON _____.
- _____ Notary Public's section is incomplete and/or commission has expired

_____ Residential Variance (Administrative Posting and Approval) will be held in this office until _____ (10 working days). If not corrected and/or completed by that time, it will be returned and a new petition must be filed.

Petition Agenda Check by SCJ

cc: Project Reviewer - Kellman
 Petitioner - Tracy/Martin
 Contract Purchaser - —
 Attorney - DiNenna
 File

2804-92
12/4/91
§

DINENNA AND BRESCHI
ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.
GEORGE A. BRESCHI, P.A.

SUITE 600
MERCANTILE TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

FRANCIS X. BORGERDING, JR. ‡
‡ ALSO MEMBER OF DISTRICT OF
COLUMBIA BAR

(301) 296-6820
TELEFAX (301) 296-6884

December 2, 1991

Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: Gwenn

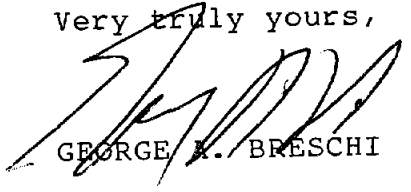
RE: Case No.: 92-209-SPH
Petitioners: Ronald Tracy &
Patricia Martin
Location: 2510 Poplar Drive

Dear Gwenn:

This is to confirm our conversation this date wherein the
above-captioned matter has been set back in for hearing on December 13,
1991, at 9:00 A.M.

Thank you.

Very truly yours,


GEORGE A. BRESCHI

GAB:bjk
Enclosure
cc: Mr. Ronald Tracy & Ms. Patricia Martin

RECEIVED
DEC 4 1991
ZONING OFFICE

Gwen,

Could you please postpone the Ronald Tracy & Patricia Martin matter case no. 92-209-SPH set for hearing on December 13, 1991. If you have any questions please call me Frank Borgerding (Eric's Associate) 296-6820.

Thanks,

Frank

Therese
for Frank

the property was a legitimate two apartment unit and was in compliance with all applicable zoning regulations.

The Co-Petitioner/Co-Owner of the property, Patricia Martin, also testified. She lives approximately one mile from the site and purchased same as an investment property with Mr. Tracy in 1986. She also thought, at the time of settlement, that she had the continuing right to use the property as a two apartment dwelling and that same use was legitimately a nonconforming use as defined within the Baltimore County Zoning Regulations.

Also testifying on behalf of the Petitioners was John L. Duerr, a former resident of the subject neighborhood. He lived at 2512 Poplar Drive, immediately next door from the subject property, from 1957 to approximately 1984. He was not clear on exactly when he moved from that residence. His testimony was that, during his entire period of residence, the unit was used as a two apartment dwelling. His memory was quite impressive in that he was able to recall many of the tenants who occupied the property during the many years in which he lived next door.

In addition to the testimony of the above witnesses, the Petitioners also offered, as Petitioners' Exhibits No. 6 and 7, photocopies of affidavits from prior property owners. The Petitioners' Exhibit No. 7 is an affidavit from Joseph M. and Edith M. Collins who owned the property in the 1960s and 1970s. This affidavit states that the property was used as a two apartment unit from 1955 through their period of ownership. Apparently, the property was then acquired by Mr. and Mrs. Collins' son, John "Pat" Collins and his wife, Joan Collins in 1975. The Petitioners' Exhibit No. 6, a photocopy of an affidavit signed by John and Joan Collins, indicates that the property was a two apartment dwelling during John and Joan Collins' period of ownership.

4/1/92
Mr. [Signature]

March 25, 1992

To: Baltimore County
Office of Zoning Administration
111 W. Chesapeake Ave.
Towson, Maryland 21204

~~Protestants~~
no
2

Re: Case no 92-209 - SPH, 2510 Poplar Drive
Baltimore, MD. 21207

We the undersigned, residing in the
neighborhood of 2510 Poplar Drive,
Baltimore Md. 21207 do ask that
the single family zoning be upheld
and no special exemption be
given for a 2 apartment dwelling.

1. Joseph V. O'Lea
2400 West Park Dr.

2. Kriz L. Reza
2400 West Park Dr
21207

3. [Signature]
3508 Poplar Drive
21207

4. Janet L. Miller
2508 Poplar Dr.
Balt. Md. 21207

5. Lucille Waltemeyer
2516 Poplar Dr.

6. John Meyer
2600 Poplar

7. [Signature]
2600 Poplar Drive 21207

8. Maureen J. Boock
2605 Poplar Dr
Baltimore, MD 21207

9. Vicki Hastings
2610 Poplar Dr
Balt. MD 21207

10. [Signature]
2610 Poplar Dr
Baltimore, MD 21207

Re: Case 92-209-SPH

2510 Poplar Dr., Baltimore, Md. 21207

11. ~~M. A.~~ Henry Malcolm

2512 Poplar Dr.

Baltimore Md. 21207

12. Irene J. Conley

2606 Poplar Dr.

Baltimore, Md. 21207

13. Charles F. Conley

2606 Poplar Dr.

Baltu Md 21207

Dec. 7, 1981

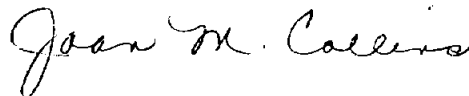
To whom it may concern,

This is to state that the property located at 2510 Poplar Drive in Baltimore, Md. 21207, was owned and occupied by Mr. and Mrs. John P. Collins from 1973 through August of 1986. During the period from 1981 through August of 1986, the property was used solely by our family as a single family dwelling.

Sincerely,

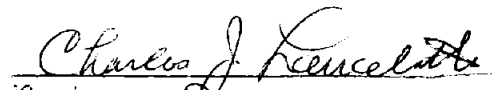


John P. Collins



Joan M. Collins

John P. Collins
Joan M. Collins
2600 McKenzie Road
Ellicott City, MD 21042


Notary Public

7906

Petitioner

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Donald B. Tracy

Patricia M. Wierman

8624 Allenswood Rd. 21133

5412 Gwynndale 21207

FRANCIS X. BORGERDING, JR.
ATTORNEY AT LAW

DINENNA AND BRESCHI
SUITE 600, MERCANTILE-TOWSON BLDG.
409 WASHINGTON AVE.
TOWSON, MD 21204

OFFICE (301) 296-6820
TELEFAX (301) 296-6884

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

William Obriecht

Karen Gray

Angelina Moleculin

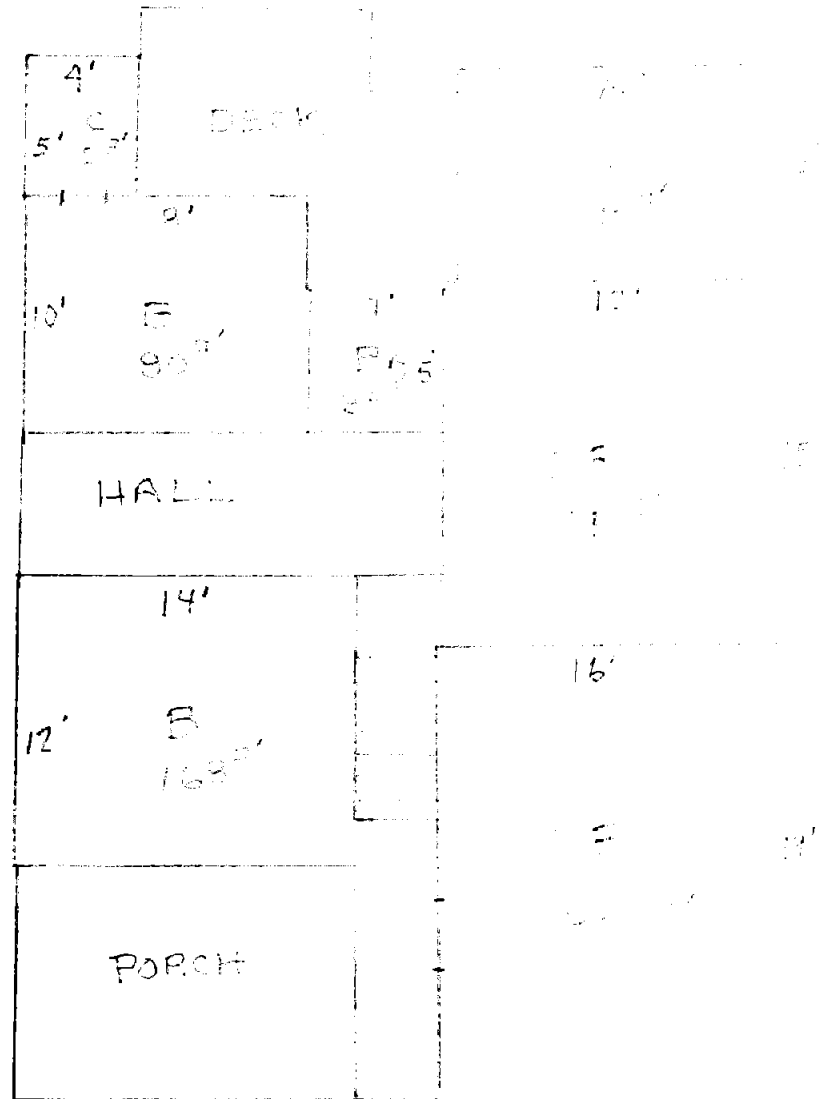
2415 Poplar Dr. 21207

2604 Poplar Dr. 21207

2512 Poplar Dr. 21207

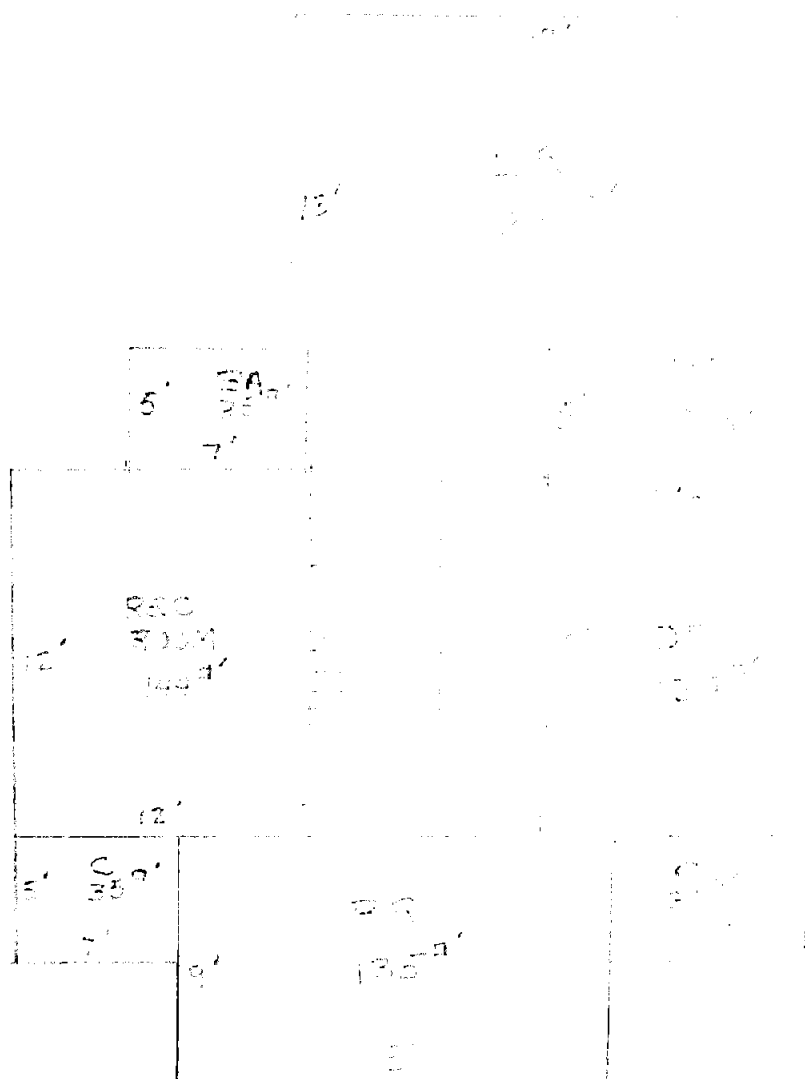
#219

Pet. ex 3



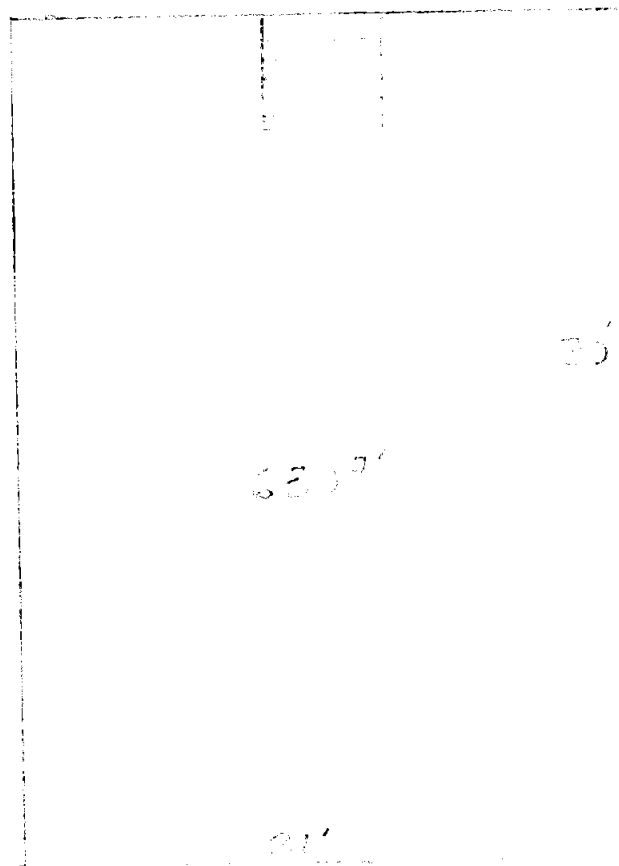
1st Floor Plan

92-209-SPH



END Floor Plan

92-209-SPH



BASELINE

Pet ex 6

A F F I D A V I T

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant and Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

John P. Collins
AFFIANT (Handwritten Signature)

John & Joan Collins
AFFIANT (Printed Name)

I have personal knowledge that the home located at _____

2510 Poplar Dr. Balto Md 21207
(Address)

has been occupied as a Two Apartments
Income Producing apartment dwelling since
(two, three, etc.)

Jan, 1958. I also have personal knowledge that all
(month) (year)

apartments within the dwelling have been occupied as such continuously and without interruption of more than one (1) year during any one period

since Jan, 1958. This personal knowledge is based upon:
(month) (year)

previous rentals, information from previous
owners, & neighborhood input. Bought the property
from Joseph M. & Edith M. Collins (other affiant)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28 day of April, 1986, before me, a Notary Public of the State of Maryland, in and for the County afore-said, personally appeared John P. Collins & Joan M. Collins, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Charles J. Lencelotti
NOTARY PUBLIC

My Commission Expires: 5/1/86

Pet. ex 7

A F F I D A V I T

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant and Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Joseph M. Collins
Edith M. Collins

AFFIANT (Handwritten Signature)

Joseph M. + Edith M. Collins
AFFIANT (Printed Name)

I have personal knowledge that the home located at _____

2510 Poplar Dr. Baltimore Md 21207
(Address)

has been occupied as a Two Apts income producing apartment dwelling since
(two, three, etc.)

Jan, 1955. I also have personal knowledge that all
(month) (year)

apartments within the dwelling have been occupied as such continuously and without interruption of more than one (1) year during any one period since Jan, 1955. This personal knowledge is based upon:
(month) (year)

previous rentals, information from previous
owners + neighborhood input,

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25 day of April, 19 86. before me, a Notary Public of the State of Maryland, in and for the County afore-said, personally appeared John P. Collins + Joan M. Collins, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Charles J. Lenczowski
NOTARY PUBLIC

My Commission Expires: 7/1/86

In opposition to the Petitioners' request, Karen Gray, a neighbor at 2604 Poplar Drive, testified. She recalls, specifically, looking at the house in 1985 when she was contemplating moving into this area. At that time, she met with Pat and Joan Collins on several occasions and inspected the subject property. She remembers quite clearly that the second floor was not being used as an apartment, at the time of her inspections. Her recollection was that the Collins' children occupied the rooms on the second floor and that the dwelling was used as a single family residence during the Spring and Summer of 1985.

Also testifying was Angeline Malcolm. She now lives in Mr. Duerr's house, having purchased same on December 28, 1985. She indicated that she purchased her house from Mr. and Mrs. Schwartz, who had owned same for "a couple of years". Her recollection is consistent with Mr. Duerr's testimony, that he moved out in approximately 1984. She, likewise, testified extensively as to the use of the subject property in 1985 and 1986. She believes that the property was converted to a single family dwelling during that time and that the entire house was used by Mr. and Mrs. Collins and their children.

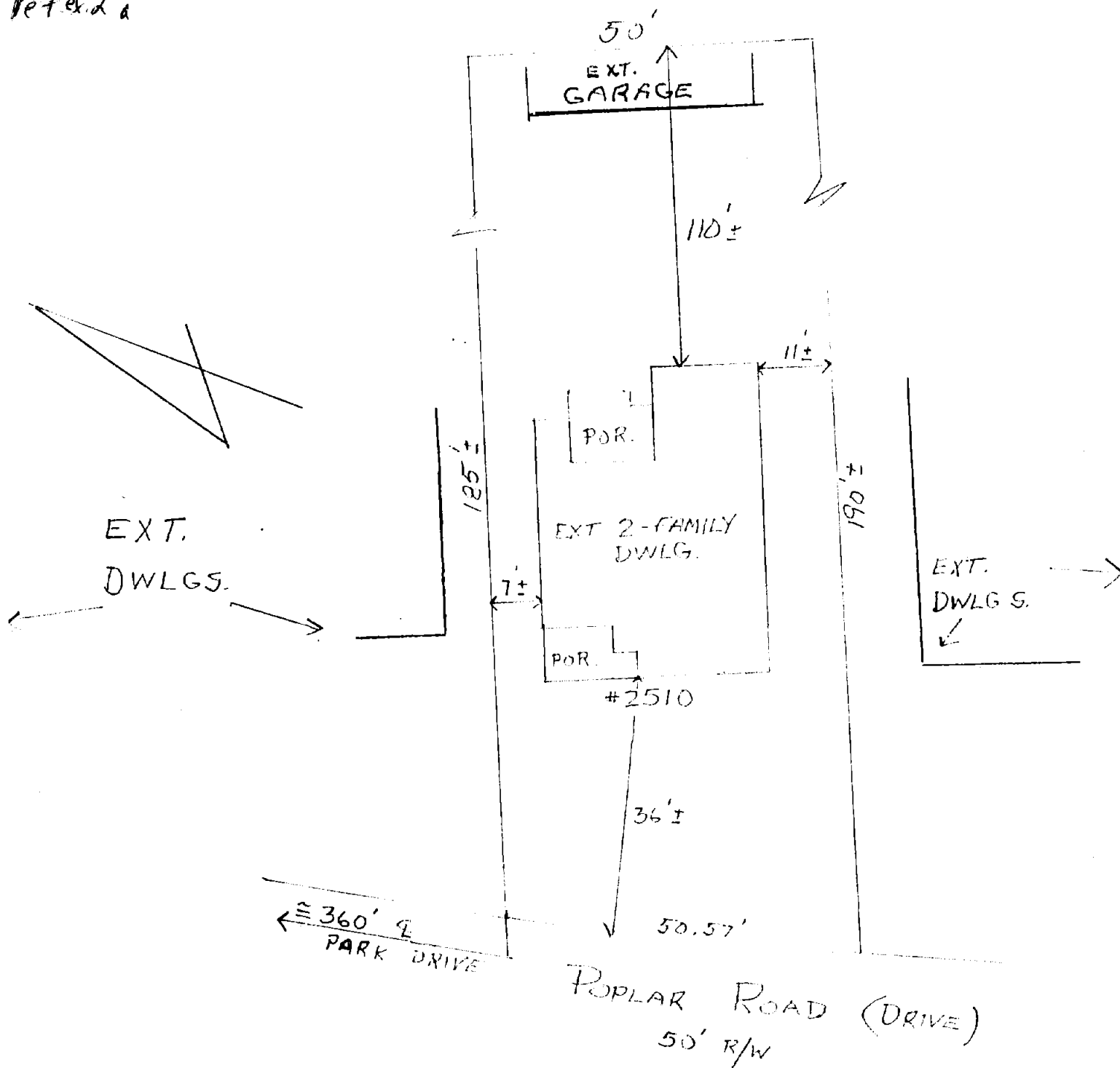
Mr. Obrieht's testimony was in support of these witnesses and their testimony. He does not believe that the existing apartment use is compatible with the residential neighborhood.

In reviewing all of the testimony and evidence presented, it is clear that the property was used as a two apartment building since prior to the operative date of 1955 through, at least, 1983/84, when Mr. Duerr moved away from next door. Further, the Petitioners/present property owners have testified that they used the property as a two apartment dwelling during their period of ownership which encompasses December of 1986 to the present. The

ORDER RECEIVED FOR FILING

4/11/92
Mr. Schwartz

Ref. ex. 2 a



PLAT FOR SPECIAL HEARING FOR NONCONFORMING USE
FOR 2-FAMILY DWELLING #2510 POPLAR ROAD (DRIVE)

OWNERS:

COUNCILMANIC DIST: 2ND.

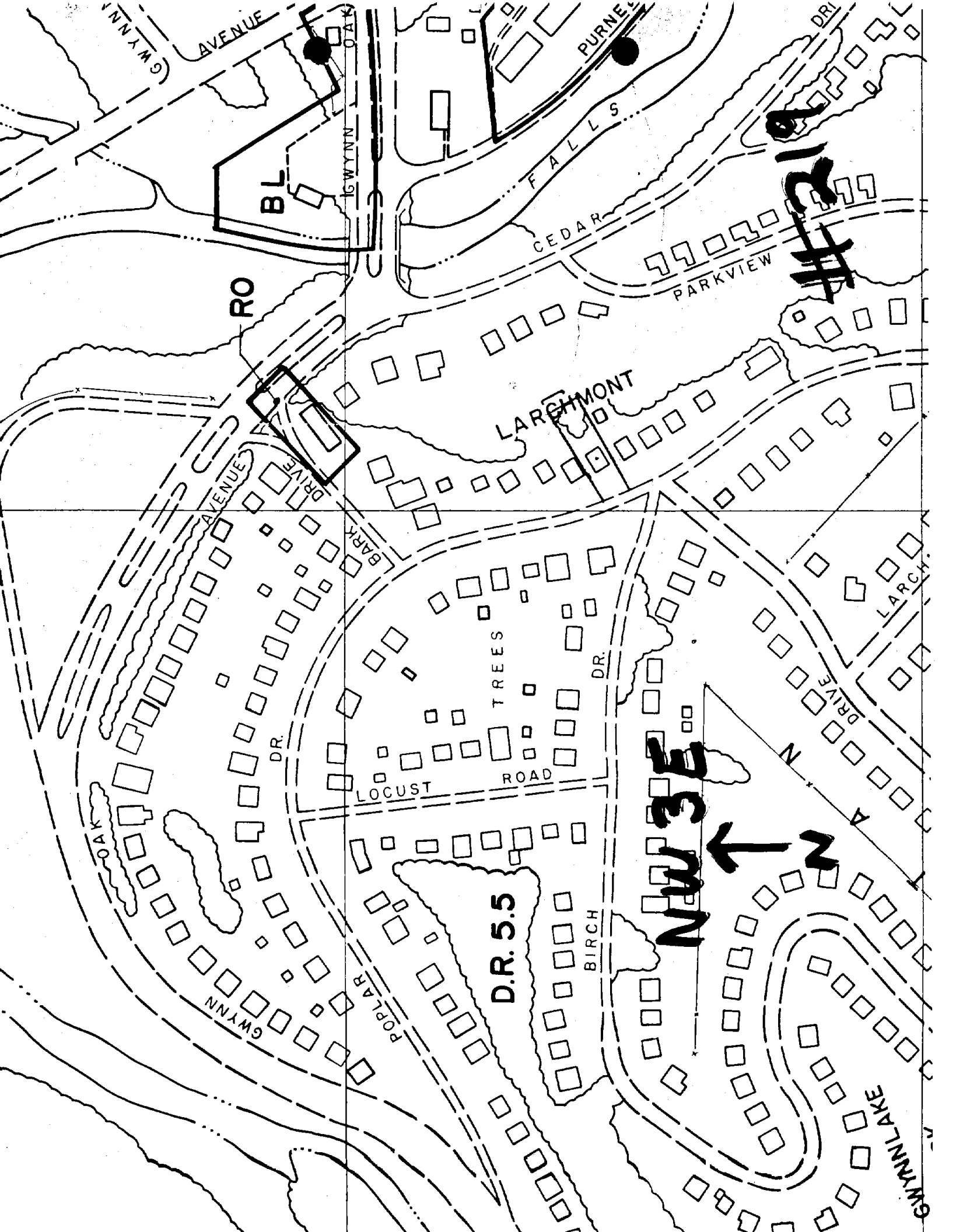
ELECTION DIST: 1ST

ZONED: DR 5.5

PUBLIC UTILITIES EXIST

SCALE 1" = 20'

LOT #19 BLOCK '8' OF
LARCHMONT (7/16)



RO

BL

LARCHMONT

TREES

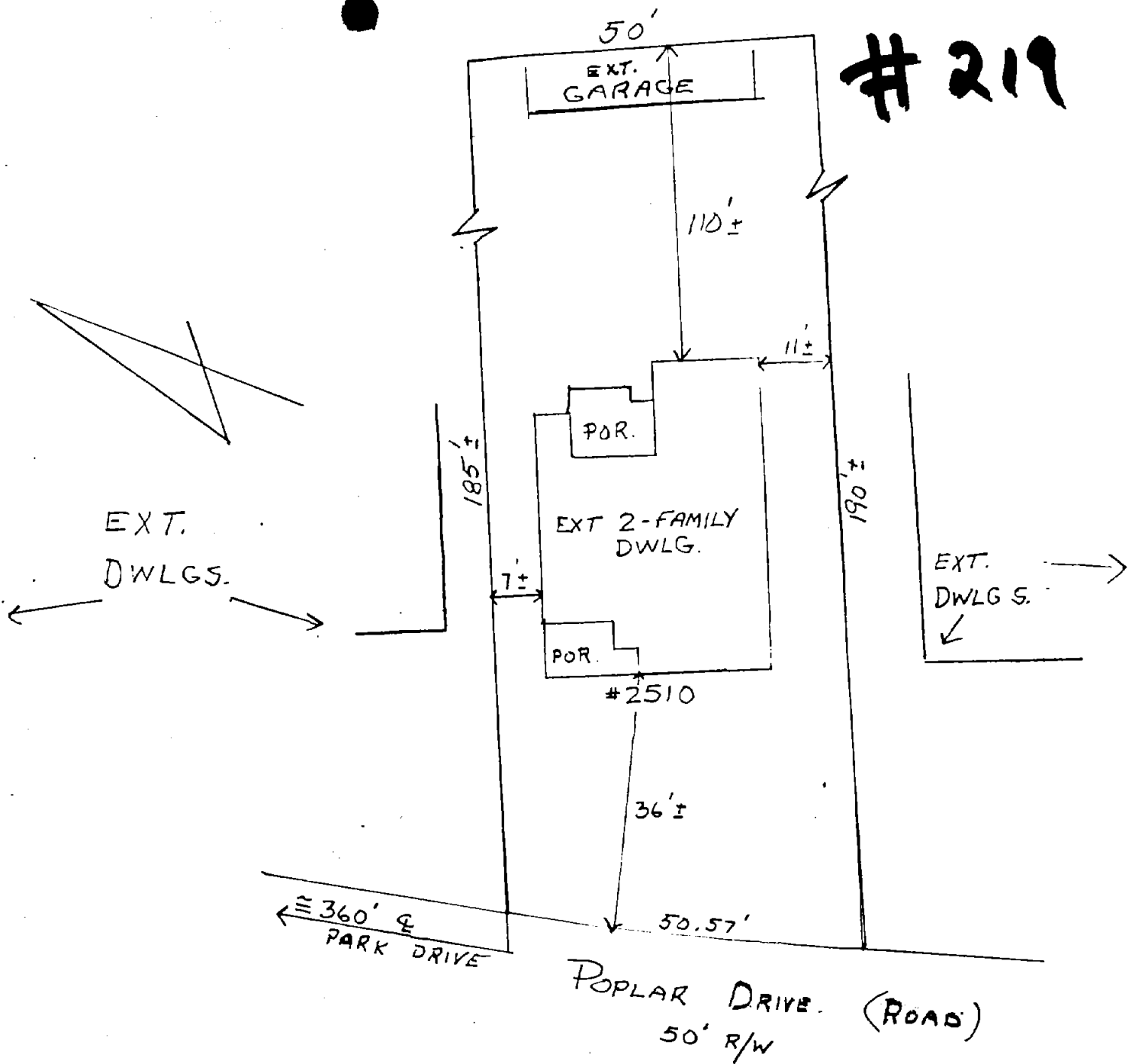
LOCUST ROAD

D.R. 5.5

NW 3E



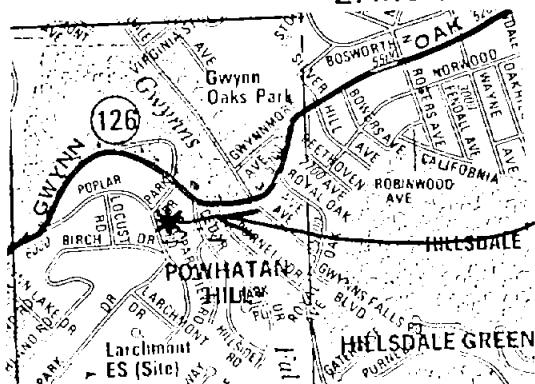
#219



PLAT FOR SPECIAL HEARING FOR NONCONFORMING USE
FOR 2-FAMILY DWELLING #2510 POPLAR ROAD (DRIVE)

OWNERS: RON TRACEY & PATRICIA MARTIN
 COUNCILMANIC DIST.: 2ND.
 ELECTION DIST.: 1ST
 ZONED: DR5.5
 PUBLIC UTILITIES EXIST
 SCALE 1" = 20'

LOT #19 BLOCK '8' OF
 LARCHMONT (7/16)



Ret. ex. 2b

DESCRIPTION FOR SPECIAL HEARING

2510 Poplar Road (Drive)

Located on the east side of Poplar Road, approx. 360' southeast of the centerline of Park Drive, and known as lot #19 block 8 as shown on the plat of Larchmont, which is recorded in the land records of Balto. Co. in plat book #7, folio #16.
This property is also known as #2510 Poplar Drive and contains approx. 7500 square feet.

DESCRIPTION

92-209-SPH

Located on the east side of Poplar Drive (Road) approximately 360' south of the centerline of Park Drive and known as lot #19 Block 8 as shown on the plat of Larchmont, which plat is recorded among the land records of Baltimore County in plat book #7, folio #16. This property is also known as #2510 Poplar Drive (Road). Containing approximately 9375 Square feet.

#219

CERTIFICATE OF PUBLICATION

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 82-200-0000

E/S Poplar Drive, 380'

S of c/l Park Drive

2510 Poplar Drive

1st Election District

2nd Councilmanic

Petitioner(s):

Ronald Tracy and

Patricia Martin

Hearing Date: Friday,

Dec. 13, 1991 at 9:00 a.m.

Special Hearing: to approve the non-conforming use of a two apartment dwelling.

LAWRENCE E. SCHMIDT,

Zoning Commissioner of

Baltimore County

C/J/11/289 November 28.

Nov 29, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov 28, 1991.

CATONSVILLE TIMES

S. Zehe *Online*
Publisher

\$ 54.06

25

79.64

CERTIFICATE OF PUBLICATION

TOWSON, MD., Nov. 29, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov 28, 1991.

THE JEFFERSONIAN,

S. Zehe
Publisher

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 92-209-SPH
E/S Poplar Drive, 360'
S of c/I Park Drive
2510 Poplar Drive
1st Election District
2nd Councilmanic
Petitioner(s):

Ronald Tracy and
Patricia Martin
Hearing Date: Friday,
Dec. 13, 1991 at 9:00 a.m.

Special Hearing: to approve the non-conforming use of a two apartment dwelling.

LAWRENCE E. SCHMIDT,
Zoning Commissioner of
Baltimore County

C/J/11/289 November 28.

289
\$54.00

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 1st Date of Posting 92-209-SPH

Posted for: Special Hearing

Petitioner: Ronald Tracy & Patricia Martin

Location of property: E/S of Poplar Drive, 360' S of the C/L
of Park Drive - 2510 Poplar Drive

Location of Signs: In front of 2510 Poplar Drive

Remarks: _____

Posted by _____ Signature _____ Date of return: 3-13-92

Number of Signs: 1



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

92-209-SPH

District 1st

Date of Posting November 23, 1991

Posted for: Special Hearing

Petitioner: Ronald Tracy and Patricia Martin

Location of property: E/S Poplar Drive, 360' S of c/r Park Drive
2510 Poplar Drive

Location of Signs: In front of 2510 Poplar Drive

Remarks: _____

Posted by S.J. Arata
Signature

Date of return: December 2, 1991

Number of Signs: 1



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

received

Date

Account: R-001-6150

Number

PLS. HEARING FEE

1.00

PRICE

CBG - SPECIAL HEARING (FRL)

1.00

\$35.00

TOTAL:

\$36.00

LAST NAME OF OWNER: TRACY

04AD4#0166MICHRC

\$35.00

BA 0001:09PM11-01-91

Please Make Checks Payable To: Baltimore County

shier Validation

sole question presented is whether the use was interrupted from 1983/84 until the Petitioners' acquisition in 1986.

The evidence which the Petitioners offer in support of their Petition that the nonconforming use continued during that vital three year period are the affidavits signed by Mr. and Mrs. Collins, Sr., and Mr. and Mrs. Collins, Jr., and submitted as Petitioners' Exhibits No. 6 and 7. However, contrary to those are Protestants' Exhibit No. 1, an original affidavit from John P. and Joan M. Collins dated December 7, 1991. That affidavit indicates that the property was used as a single family home from 1981 through 1986. As was noted at the hearing, one of the affidavits signed by Mr. and Mrs. John P. Collins is clearly erroneous in that they are directly contradictory. More importantly, the only testimony presented at the hearing, regarding the three year period was offered by Mr. Gray and Mrs. Malcolm, both of who consistently testified that the property was used as a single family dwelling during 1985/86.

As with all nonconforming uses, it is the Petitioner who carries the burden to prove the nature of the lawful nonconforming use and whether there has been any change, discontinuance or abandonment of said use. Based upon the evidence which is presented, I must conclude that the Petitioners have not met this burden. Although it is clear that the two apartment use pre-dates the operative date of the regulations prohibiting this use in 1955, and has continued from 1986 to the present, there is no competent testimony that the use was not discontinued for, at least, a two year period in 1985 and 1986. Thus, the Petition for Special Hearing must fail for the reasons set forth above.

ORDER RECEIVED FOR FILING
Date 4/1/92
By Mr. Gray

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 12-5-91

Ronald Tracy and Patricia Martin
5412 Gwynndale Avenue
Baltimore, Maryland 21207

RE:

CASE NUMBER: 92-209-SPH
E/S Poplar Drive, 360' S of c/l Park Drive
2510 Poplar Drive
1st Election District - 2nd Councilmanic
Petitioner(s): Ronald Tracy and Patricia Martin

Dear Petitioner(s):

Please be advised that \$ 79.66 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

A handwritten signature in cursive script, reading "Arnold Jablon".

ARNOLD JABLON
DIRECTOR

S. Eric DiNenna, Esq.



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Receipt

Date

92-161

Account: R 003-6150
Number

100.00

FOR HEARING FEE

FOR HEARING FEE

Please Make Checks Payable To: Baltimore County

Cashier Validation

FOR HEARING FEE

FOR HEARING FEE

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

NOVEMBER 19, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-209-SPH

E/S Poplar Drive, 360' S of c/l Park Drive
2510 Poplar Drive

1st Election District - 2nd Councilmanic

Petitioner(s): Ronald Tracy and Patricia Martin

HEARING: FRIDAY, DECEMBER 13, 1991 at 9:00 a.m.

Special Hearing to approve the non-conforming use of a two apartment dwelling.


Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Ronald Tracy, et al
S. Eric DiNenna, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

NOVEMBER 29, 1991

NOTICE OF POSTPONEMENT

CASE NUMBER: 92-209-SPH
PETITIONER(S): RONALD TRACY & PATRICIA MARTIN
LOCATION: 2510 POPLAR DRIVE

THE ABOVE MATTER, PREVIOUSLY ASSIGNED TO HEARD ON DECEMBER 13, 1991,
HAS BEEN POSTPONED AT THE REQUEST OF GEORGE A. BRESCHI, ESQUIRE.

NOTIFICATION OF THE NEW HEARING DATE WILL BE FORWARDED SHORTLY.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Ronald Tracy, et al
George A. Breschi

*Disregard
Postponement due to
death of attorney
however, replacement
will proceed on
date 8/12/97*

Postponement sticker mailed.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

COPY

FEBRUARY 25, 1992

NOTICE OF REASSIGNMENT

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-209-SPH

E/S Poplar Drive, 360' S of c/l Park Drive

2510 Poplar Drive

1st Election District - 2nd Councilmanic

Petitioner(s): Ronald Tracy and Patricia Martin

HEARING: THURSDAY, MARCH 26, 1992 at 9:00 a.m.

Special Hearing to approve the non-conforming use of a two apartment dwelling.

Zoning Commissioner of
Baltimore County

cc: Ronald Tracy and Patricia Martin
Francis X. Borgerding, Jr., Esq.



PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

92-209-SPH

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve -----

Non-conforming use of a two (2) apartment dwelling

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Legal Owner(s):

Ronald Tracy

(Type or Print Name)

Signature

Patricia Martin

(Type or Print Name)

Signature

Attorney for Petitioner:

S. Eric DiNenna

(Type or Print Name)

Signature

409 Washington Ave., #600

Address

Towson, MD 21204

City and State

Attorney's Telephone No.: 296-6820

c/o 5412 Gwynndale Avenue

Address

Phone No.

Baltimore, MD 21207

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

S. Eric DiNenna

Name

409 Washington Ave., #600

Address

Phone No.

Towson, MD 21204

296-6820

~~ORDERED~~ By The Zoning Commissioner of Baltimore County, this ----- day of -----, 19-----, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the ----- day of -----, 19-----, at ----- o'clock -----M.

Zoning Commissioner of Baltimore County.

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
E/S Poplar Drive, 360 ft. S
of c/l Park Drive * ZONING COMMISSIONER
2510 Poplar Drive
1st Election District * OF BALTIMORE COUNTY
2nd Councilmanic District *
* CASE # 92-209-SPH
Ronald Tracy and Patricia
Martin *
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing seeking approval of a nonconforming use of a two (2) apartment dwelling at the subject property known as 2510 Poplar Drive. The improvements and property are more particularly shown on the plat to accompany the Petition for Special Hearing, marked as Petitioners' Exhibit No. 2A.

The Petitioners/property owners, Ronald Tracy and Patricia Martin, appeared, testified and were represented by Francis X. Borgerding, Jr., Esquire. Appearing in opposition to the Petition was William Obrieht, Karen Gray and Angeline Malcolm, all residents of the subject community.

The subject property is a rectangularly shaped lot roughly 50 ft. wide and 190 ft. deep. The parcel is located in the residential subdivision of Larchmont in the Gwynn Oak section of Baltimore County. The property is improved by a framed shingled bungalow dwelling. The property is zoned D.R.5.5. The rear of the lot features an existing garage.

The Petitioners, Ronald Tracy and Patricia Martin, argue that the subject dwelling is a lawful nonconforming use, pursuant to Section 104 of the Baltimore County Zoning Regulations (B.C.Z.R.). In the instant case, a two apartment dwelling at this site was permissible under the zoning regulations enacted in Baltimore County in 1945. The use became impermissible during

ORDER RECEIVED FOR FILING

Date

By

4/1/92
Mr. G. G. G. G.

the comprehensive revision of the regulations in 1955. Thus the Petitioners must show that the two apartment use predates 1955, and has continued uninterruptedly since that time. Section 104.1 of the B.C.Z.R., provides that a nonconforming use may legitimately continue providing that same has not been changed, abandoned or discontinued for a period of one year or more. The subject case turns on the issue as to whether the subject nonconforming use has been abandoned or discontinued for a period of one year or more.

Testimony offered from Mr. Tracy was that he and Ms. Martin acquired the property on September 15, 1986. The property was purchased as an investment property and was then advertised as a two apartment dwelling unit. The Petitioners purchased the property from Mr. and Mrs. John P. Collins. Mr. Tracy also described the property in detail. The layout of the subject building is shown both on the floor plan submitted as Petitioners' Exhibit No. 3, as well as the numerous photographs which were submitted into evidence. It is clear that the property is presently being used as a two apartment structure. Access to the building is through a front door which opens into a small vestibule. From that foyer, separate doors lead to the first floor apartment, as well as the second floor unit. Each unit is comprised of several rooms which are used as bedrooms, dens or living room areas, at the option of the tenant. Further, each floor has its own kitchen as well as bathroom facilities.

Mr. Tracy further testified that he rented the apartments immediately upon his acquisition of the property and that they have continually been rented since that time, but for small periods in between tenants. Although he has no personal knowledge of the history of this property prior to his acquisition, he testified that he was advised by Mr. and Mrs. Collins that

ORDER RECEIVED FOR FILING

Date

4/1/92

By

Mr. D. J. [Signature]

the property was a legitimate two apartment unit and was in compliance with all applicable zoning regulations.

The Co-Petitioner/Co-Owner of the property, Patricia Martin, also testified. She lives approximately one mile from the site and purchased same as an investment property with Mr. Tracy in 1986. She also thought, at the time of settlement, that she had the continuing right to use the property as a two apartment dwelling and that same use was legitimately a nonconforming use as defined within the Baltimore County Zoning Regulations.

Also testifying on behalf of the Petitioners was John L. Duerr, a former resident of the subject neighborhood. He lived at 2512 Poplar Drive, immediately next door from the subject property, from 1957 to approximately 1984. He was not clear on exactly when he moved from that residence. His testimony was that, during his entire period of residence, the unit was used as a two apartment dwelling. His memory was quite impressive in that he was able to recall many of the tenants who occupied the property during the many years in which he lived next door.

In addition to the testimony of the above witnesses, the Petitioners also offered, as Petitioners' Exhibits No. 6 and 7, photocopies of affidavits from prior property owners. The Petitioners' Exhibit No. 7 is an affidavit from Joseph M. and Edith M. Collins who owned the property in the 1960s and 1970s. This affidavit states that the property was used as a two apartment unit from 1955 through their period of ownership. Apparently, the property was then acquired by Mr. and Mrs. Collins' son, John "Pat" Collins and his wife, Joan Collins in 1975. The Petitioners' Exhibit No. 6, a photocopy of an affidavit signed by John and Joan Collins, indicates that the property was a two apartment dwelling during John and Joan Collins' period of ownership.

ORDER RECORDED FOR FILING
4/1/92
Mr. - [Signature]
Date
By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-1386

March 31, 1992

Francis X. Borgerding, Jr., Esquire
Suite 600, Mercantile Towson Building
409 Washington Avenue
Towson, Maryland 21204

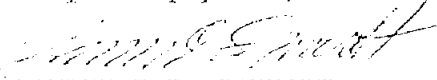
RE: PETITION FOR SPECIAL HEARING
Ronald B. Tracy, et al, Petitioners
Case No. 92-209-SPH

Dear Mr. Borgerding:

Enclosed please find a copy of the decision rendered in the above captioned matter. The Petition for Special Hearing has been denied.

In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Appeals Clerk at 887-3391.

Very truly yours,


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm
encl.
cc: Petitioners
cc: Protestants

In opposition to the Petitioners' request, Karen Gray, a neighbor at 2604 Poplar Drive, testified. She recalls, specifically, looking at the house in 1985 when she was contemplating moving into this area. At that time, she met with Pat and Joan Collins on several occasions and inspected the subject property. She remembers quite clearly that the second floor was not being used as an apartment, at the time of her inspections. Her recollection was that the Collins' children occupied the rooms on the second floor and that the dwelling was used as a single family residence during the Spring and Summer of 1985.

Also testifying was Angeline Malcolm. She now lives in Mr. Duerr's house, having purchased same on December 28, 1985. She indicated that she purchased her house from Mr. and Mrs. Schwartz, who had owned same for "a couple of years". Her recollection is consistent with Mr. Duerr's testimony, that he moved out in approximately 1984. She, likewise, testified extensively as to the use of the subject property in 1985 and 1986. She believes that the property was converted to a single family dwelling during that time and that the entire house was used by Mr. and Mrs. Collins and their children.

Mr. Obrieht's testimony was in support of these witnesses and their testimony. He does not believe that the existing apartment use is compatible with the residential neighborhood.

In reviewing all of the testimony and evidence presented, it is clear that the property was used as a two apartment building since prior to the operative date of 1955 through, at least, 1983/84, when Mr. Duerr moved away from next door. Further, the Petitioners/present property owners have testified that they used the property as a two apartment dwelling during their period of ownership which encompasses December of 1986 to the present. The

ORDER RECORDED FOR FILING
Date 4/11/92
By Mr. G. H. H. H.

sole question presented is whether the use was interrupted from 1983/84 until the Petitioners' acquisition in 1986.

The evidence which the Petitioners offer in support of their Petition that the nonconforming use continued during that vital three year period are the affidavits signed by Mr. and Mrs. Collins, Sr., and Mr. and Mrs. Collins, Jr., and submitted as Petitioners' Exhibits No. 6 and 7. However, contrary to those are Protestants' Exhibit No. 1, an original affidavit from John P. and Joan M. Collins dated December 7, 1991. That affidavit indicates that the property was used as a single family home from 1981 through 1986. As was noted at the hearing, one of the affidavits signed by Mr. and Mrs. John P. Collins is clearly erroneous in that they are directly contradictory. More importantly, the only testimony presented at the hearing, regarding the three year period was offered by Mr. Gray and Mrs. Malcolm, both of who consistently testified that the property was used as a single family dwelling during 1985/86.

As with all nonconforming uses, it is the Petitioner who carries the burden to prove the nature of the lawful nonconforming use and whether there has been any change, discontinuance or abandonment of said use. Based upon the evidence which is presented, I must conclude that the Petitioners have not met this burden. Although it is clear that the two apartment use pre-dates the operative date of the regulations prohibiting this use in 1955, and has continued from 1986 to the present, there is no competent testimony that the use was not discontinued for, at least, a two year period in 1985 and 1986. Thus, the Petition for Special Hearing must fail for the reasons set forth above.

ORDER RECEIVED FOR FILING
Date 4/1/92
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 31, 1992

Francis X. Borgerding, Jr., Esquire
Suite 600, Mercantile Towson Building
409 Washington Avenue
Towson, Maryland 21204

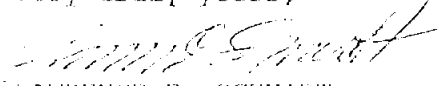
RE: PETITION FOR SPECIAL HEARING
Ronald B. Tracy, et al, Petitioners
Case No. 92-209-SPH

Dear Mr. Borgerding:

Enclosed please find a copy of the decision rendered in the above captioned matter. The Petition for Special Hearing has been denied.

In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Appeals Clerk at 887-3391.

Very truly yours,


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm
encl.
cc: Petitioners
cc: Protestants

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
E/S Poplar Drive, 360 ft. S
of c/l Park Drive * ZONING COMMISSIONER
2510 Poplar Drive
1st Election District * OF BALTIMORE COUNTY
2nd Councilmanic District * CASE # 92-209-SPH
Ronald Tracy and Patricia
Martin *
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing seeking approval of a nonconforming use of a two (2) apartment dwelling at the subject property known as 2510 Poplar Drive. The improvements and property are more particularly shown on the plat to accompany the Petition for Special Hearing, marked as Petitioners' Exhibit No. 2A.

The Petitioners/property owners, Ronald Tracy and Patricia Martin, appeared, testified and were represented by Francis X. Borgerding, Jr., Esquire. Appearing in opposition to the Petition was William Obrieht, Karen Gray and Angeline Malcolm, all residents of the subject community.

The subject property is a rectangularly shaped lot roughly 50 ft. wide and 190 ft. deep. The parcel is located in the residential subdivision of Larchmont in the Gwynn Oak section of Baltimore County. The property is improved by a framed shingled bungalow dwelling. The property is zoned D.R.5.5. The rear of the lot features an existing garage.

The Petitioners, Ronald Tracy and Patricia Martin, argue that the subject dwelling is a lawful nonconforming use, pursuant to Section 104 of the Baltimore County Zoning Regulations (B.C.Z.R.). In the instant case, a two apartment dwelling at this site was permissible under the zoning regulations enacted in Baltimore County in 1945. The use became impermissible during

ORDER RECEIVED FOR FILING

Date

By

4/1/92
Mr. Grah

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Testimony offered from Mr. Tracy was that he and Ms. Martin acquired the property on September 15, 1986. The property was purchased as an investment property and was then advertised as a two apartment dwelling unit. The Petitioners purchased the property from Mr. and Mrs. John P. Collins. Mr. Tracy also described the property in detail. The layout of the subject building is shown both on the floor plan submitted as Petitioners' Exhibit No. 3, as well as the numerous photographs which were submitted into evidence. It is clear that the property is presently being used as a two apartment structure. Access to the building is through a front door which opens into a small vestibule. From that foyer, separate doors lead to the first floor apartment, as well as the second floor unit. Each unit is comprised of several rooms which are used as bedrooms, dens or living room areas, at the option of the tenant. Further, each floor has its own kitchen as well as bathroom facilities.

Mr. Tracy further testified that he rented the apartments immediately upon his acquisition of the property and that they have continually been rented since that time, but for small periods in between tenants. Although he has no personal knowledge of the history of this property prior to his acquisition, he testified that he was advised by Mr. and Mrs. Collins that

the property was a legitimate two apartment unit and was in compliance with all applicable zoning regulations.

The Co-Petitioner/Co-Owner of the property, Patricia Martin, also testified. She lives approximately one mile from the site and purchased same as an investment property with Mr. Tracy in 1986. She also thought, at the time of settlement, that she had the continuing right to use the property as a two apartment dwelling and that same use was legitimately a nonconforming use as defined within the Baltimore County Zoning Regulations.

Also testifying on behalf of the Petitioners was John L. Duerr, a former resident of the subject neighborhood. He lived at 2512 Poplar Drive, immediately next door from the subject property, from 1957 to approximately 1984. He was not clear on exactly when he moved from that residence. His testimony was that, during his entire period of residence, the unit was used as a two apartment dwelling. His memory was quite impressive in that he was able to recall many of the tenants who occupied the property during the many years in which he lived next door.

In addition to the testimony of the above witnesses, the Petitioners also offered, as Petitioners' Exhibits No. 6 and 7, photocopies of affidavits from prior property owners. The Petitioners' Exhibit No. 7 is an affidavit from Joseph M. and Edith M. Collins who owned the property in the 1960s and 1970s. This affidavit states that the property was used as a two apartment unit from 1955 through their period of ownership. Apparently, the property was then acquired by Mr. and Mrs. Collins' son, John "Pat" Collins and his wife, Joan Collins in 1975. The Petitioners' Exhibit No. 6, a photocopy of an affidavit signed by John and Joan Collins, indicates that the property was a two apartment dwelling during John and Joan Collins' period of ownership.

4/1/92
Mr. [Signature]

In opposition to the Petitioners' request, Karen Gray, a neighbor at 2604 Poplar Drive, testified. She recalls, specifically, looking at the house in 1985 when she was contemplating moving into this area. At that time, she met with Pat and Joan Collins on several occasions and inspected the subject property. She remembers quite clearly that the second floor was not being used as an apartment, at the time of her inspections. Her recollection was that the Collins' children occupied the rooms on the second floor and that the dwelling was used as a single family residence during the Spring and Summer of 1985.

Also testifying was Angeline Malcolm. She now lives in Mr. Duerr's house, having purchased same on December 28, 1985. She indicated that she purchased her house from Mr. and Mrs. Schwartz, who had owned same for "a couple of years". Her recollection is consistent with Mr. Duerr's testimony, that he moved out in approximately 1984. She, likewise, testified extensively as to the use of the subject property in 1985 and 1986. She believes that the property was converted to a single family dwelling during that time and that the entire house was used by Mr. and Mrs. Collins and their children.

Mr. Obrieht's testimony was in support of these witnesses and their testimony. He does not believe that the existing apartment use is compatible with the residential neighborhood.

In reviewing all of the testimony and evidence presented, it is clear that the property was used as a two apartment building since prior to the operative date of 1955 through, at least, 1983/84, when Mr. Duerr moved away from next door. Further, the Petitioners/present property owners have testified that they used the property as a two apartment dwelling during their period of ownership which encompasses December of 1986 to the present. The

ORDER RECEIVED FOR FILING

4/11/92
Mr. Schwartz

sole question presented is whether the use was interrupted from 1983/84 until the Petitioners' acquisition in 1986.

The evidence which the Petitioners offer in support of their Petition that the nonconforming use continued during that vital three year period are the affidavits signed by Mr. and Mrs. Collins, Sr., and Mr. and Mrs. Collins, Jr., and submitted as Petitioners' Exhibits No. 6 and 7. However, contrary to those are Protestants' Exhibit No. 1, an original affidavit from John P. and Joan M. Collins dated December 7, 1991. That affidavit indicates that the property was used as a single family home from 1981 through 1986. As was noted at the hearing, one of the affidavits signed by Mr. and Mrs. John P. Collins is clearly erroneous in that they are directly contradictory. More importantly, the only testimony presented at the hearing, regarding the three year period was offered by Mr. Gray and Mrs. Malcolm, both of who consistently testified that the property was used as a single family dwelling during 1985/86.

As with all nonconforming uses, it is the Petitioner who carries the burden to prove the nature of the lawful nonconforming use and whether there has been any change, discontinuance or abandonment of said use. Based upon the evidence which is presented, I must conclude that the Petitioners have not met this burden. Although it is clear that the two apartment use pre-dates the operative date of the regulations prohibiting this use in 1955, and has continued from 1986 to the present, there is no competent testimony that the use was not discontinued for, at least, a two year period in 1985 and 1986. Thus, the Petition for Special Hearing must fail for the reasons set forth above.

ORDER RECEIVED FOR FILING
Date 4/1/92
By Mr. Gray

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-1386

March 31, 1992

Francis X. Borgerding, Jr., Esquire
Suite 600, Mercantile Towson Building
409 Washington Avenue
Towson, Maryland 21204

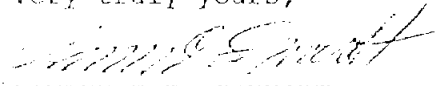
RE: PETITION FOR SPECIAL HEARING
Ronald B. Tracy, et al, Petitioners
Case No. 92-209-SPH

Dear Mr. Borgerding:

Enclosed please find a copy of the decision rendered in the above captioned matter. The Petition for Special Hearing has been denied.

In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Appeals Clerk at 887-3391.

Very truly yours,


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm
encl.
cc: Petitioners
cc: Protestants

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

92-209-SPH

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve -----

Non-conforming use of a two (2) apartment dwelling -----

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Legal Owner(s):

Ronald Tracy

(Type or Print Name)

Signature

Patricia Martin

(Type or Print Name)

Signature

Attorney for Petitioner:

S. Eric DiNenna

(Type or Print Name)

Signature

409 Washington Ave., #600

Address

Towson, MD 21204

City and State

Attorney's Telephone No.: 296-6820

c/o 5412 Gwynndale Avenue

Address

Phone No.

Baltimore, MD 21207

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

S. Eric DiNenna

Name

409 Washington Ave., #600

Address

Towson, MD 21204

Phone No.

296-6820

ORDERED By The Zoning Commissioner of Baltimore County, this ----- day of -----, 19-----, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the ----- day of -----, 19-----, at ----- o'clock -----M.

Zoning Commissioner of Baltimore County.

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

92-209-SPH

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve -----

Non-conforming use of a two (2) apartment dwelling -----

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Legal Owner(s):

Ronald Tracy

(Type or Print Name)

Signature

Patricia Martin

(Type or Print Name)

Signature

Attorney for Petitioner:

S. Eric DiNenna

(Type or Print Name)

Signature

409 Washington Ave., #600

Address

Towson, MD 21204

City and State

Attorney's Telephone No.: 296-6820

c/o 5412 Gwynndale Avenue

Address

Phone No.

Baltimore, MD 21207

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

S. Eric DiNenna

Name

409 Washington Ave., #600

Address

Towson, MD 21204

Phone No.

296-6820

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Zoning Commissioner of Baltimore County.

DESCRIPTION

92-209-SPH

Located on the east side of Poplar Drive (Road) approximately 360' south of the centerline of Park Drive and known as lot #19 Block 8 as shown on the plat of Larchmont, which plat is recorded among the land records of Baltimore County in plat book #7, folio #16. This property is also known as #2510 Poplar Drive (Road). Containing approximately 9375 Square feet.

#219

CERTIFICATE OF PUBLICATION

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 92-808-GPW
E/S Poplar Drive, 380'
S of c/l Park Drive
2510 Poplar Drive
1st Election District
2nd Councilmanic

Petitioner(s):
Ronald Tracy and
Patricia Martin

Hearing Date: Friday,
Dec. 13, 1991 at 9:00 a.m.

Special Hearing: to approve
the non-conforming use of a two
apartment dwelling.

LAWRENCE E. SCHMIDT,
Zoning Commissioner of
Baltimore County

C/J/11/289 November 28.

Nov 29, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov 28, 1991.

CATONSVILLE TIMES

S. Zehe Online
Publisher

\$ 54.06

25

79.16

CERTIFICATE OF PUBLICATION

TOWSON, MD., Nov. 29, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov 28, 1991.

THE JEFFERSONIAN,

S. Zehe
Publisher

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 92-208-SPH
E/S Poplar Drive, 360'
S of c/l Park Drive
2510 Poplar Drive
1st Election District
2nd Councilmanic
Petitioner(s):

Ronald Tracy and
Patricia Martin
Hearing Date: Friday,
Dec. 13, 1991 at 9:00 a.m.

Special Hearing: to approve the non-conforming use of a two apartment dwelling.

LAWRENCE E. SCHMIDT,
Zoning Commissioner of
Baltimore County

C/J/11/289 November 28.

289
\$54.00

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 1st Date of Posting 92-209-SPH
Posted for: Special Hearing
Petitioner: Ronald Tracy & Patricia Martin
Location of property: E/S of Poplar Drive, 360' E of the C/L
of Park Drive - 2510 Poplar Drive
Location of Signs: In front of 2510 Poplar Drive
Remarks: _____
Posted by _____ Signature _____ Date of return: 3-13-92
Number of Signs: 1



received



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

Date
7

11/17/91

RECEIVED

PUBLIC HEARING FEE

1.00

PRICE

CBG - SPECIAL HEARING (CPL)

1.00

CBG ON

TOTAL:

\$35.00

LAST NAME OF OWNER: TRACY

04A04#0166MICHRC

\$35.00

BA 0001:09PM11-01-91

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 12-5-91

Ronald Tracy and Patricia Martin
5412 Gwynndale Avenue
Baltimore, Maryland 21207

RE:
CASE NUMBER: 92-209-SPH
E/S Poplar Drive, 360' S of c/l Park Drive
2510 Poplar Drive
1st Election District - 2nd Councilmanic
Petitioner(s): Ronald Tracy and Patricia Martin

Dear Petitioner(s):

Please be advised that \$ 79.66 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

ARNOLD JABLON
DIRECTOR

S. Eric DiNenna, Esq.



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RECEIPT

Date

9-2-2011

Account: R-001-6150
Number

04-10-2011

RECEIVED FROM THE ZONING COMMISSIONER

04-10-2011

RECEIVED

RECEIVED FROM THE ZONING COMMISSIONER

04-10-2011

Please Make Checks Payable To: Baltimore County

RECEIVED FROM THE ZONING COMMISSIONER

Cashier Validation



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date

9-2-2017

Account: R 001-6150
Number

HEARING FEES

HEARING FEES / APPLICANT FOR

Please Make Checks Payable To: Baltimore County

RECEIVED

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

NOVEMBER 19, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-209-SPH

E/S Poplar Drive, 360' S of c/l Park Drive

2510 Poplar Drive

1st Election District - 2nd Councilmanic

Petitioner(s): Ronald Tracy and Patricia Martin

HEARING: FRIDAY, DECEMBER 13, 1991 at 9:00 a.m.

Special Hearing to approve the non-conforming use of a two apartment dwelling.

A handwritten signature in cursive script, reading "Lawrence E. Schmidt".

Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Ronald Tracy, et al
S. Eric DiNenna, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

NOVEMBER 29, 1991

NOTICE OF POSTPONEMENT

CASE NUMBER: 92-209-SPH
PETITIONER(S): RONALD TRACY & PATRICIA MARTIN
LOCATION: 2510 POPLAR DRIVE

THE ABOVE MATTER, PREVIOUSLY ASSIGNED TO HEARD ON DECEMBER 13, 1991,
HAS BEEN POSTPONED AT THE REQUEST OF GEORGE A. BRESCHI, ESQUIRE.

NOTIFICATION OF THE NEW HEARING DATE WILL BE FORWARDED SHORTLY.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Ronald Tracy, et al
George A. Breschi

*Disregard
Postponement due to
death of attorney
however, replacement
will proceed on
date 8/12/91*

Postponement sticker mailed.

DESCRIPTION

92-209-SPH

Located on the east side of Poplar Drive (Road) approximately 360' south of the centerline of Park Drive and known as lot #19 Block 8 as shown on the plat of Larchmont, which plat is recorded among the land records of Baltimore County in plat book #7, folio #16. This property is also known as #2510 Poplar Drive (Road). Containing approximately 9375 Square feet.

#219

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

COPY

FEBRUARY 25, 1992

NOTICE OF REASSIGNMENT

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-209-SPH
E/S Poplar Drive, 360' S of c/l Park Drive
2510 Poplar Drive
1st Election District - 2nd Councilmanic
Petitioner(s): Ronald Tracy and Patricia Martin
HEARING: THURSDAY, MARCH 26, 1992 at 9:00 a.m.

Special Hearing to approve the non-conforming use of a two apartment dwelling.

Zoning Commissioner of
Baltimore County

cc: Ronald Tracy and Patricia Martin
Francis X. Borgerding, Jr., Esq.



JIM DYER
ZONING OFFICE
111 CHES. AVE
TOWSON 4

Expiration Date
Jan 2, 1945

ZONING REGULATIONS AND RESTRICTIONS

FOR

BALTIMORE COUNTY

① 1958
605 147
18741 62
421 429
121 42

Adm. B. Building
7/12
12 AC

James D. Nolan
204 W. Penn. Ave.
Towson, Md. 21204

Stephen
Nolan

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

December 3, 1991

George A. Breschi, Esquire
Breschi and DiNenna
409 Washington Avenue, #600
Towson, MD 21204

RE: Item No. 219, Case No. 92-209-SPH
Petitioner: Ronald Tracy, et ux
Petition for Special Hearing

Dear Mr. Breschi:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committee Comments

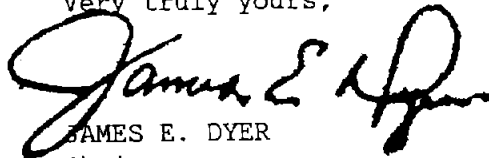
Date: December 3, 1991

Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,



JAMES E. DYER

Chairman

Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Ronald Tracy
5412 Gwynndale Avenue
Baltimore, MD 21207

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this
1st day of November, 1991.

A handwritten signature in cursive script, reading "Arnold Jablon", written over a horizontal line.

ARNOLD JABLON
DIRECTOR

Received By:

A handwritten signature in cursive script, reading "James E. Hyman", written over a horizontal line.

Chairman,
Zoning Plans Advisory Committee

Petitioner: Ronald Tracy, et ux

Petitioner's Attorney: George A. Breschi

B A L T I M O R E C O U N T Y , M A R Y L A N D
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: November 25, 1991
 Zoning Administration and
 Development Management

FROM: Pat Keller, Deputy Director
 Office of Planning and Zoning

SUBJECT: Tracy/Martin Property, Item No. 219✓
 Bonnie View Country Club, Item No. 210
 McKinney Property, Item No. 227

In reference to the Petitioners' request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn

ITEM219/TXTROZ

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21204-5500

(301) 887-4500

NOVEMBER 26, 1991

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: RONALD TRACY AND PATRICIA MARTIN

Location: #2510 POPLAR DRIVE

Item No.: 219 Zoning Agenda: NOVEMBER 12, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Lt. J. Pfeiffer
Planning Group
Special Inspection Division

Noted and
Approved Cpt. W. E. Brady
Fire Prevention Bureau

JP/KEK

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

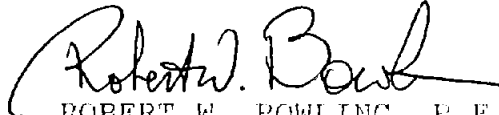
TO: Arnold Jablon, Director DATE: November 13, 1991
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for November 12, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 210, 212, 213, 214, 219, 220, and 221.

For Items 215, 217 and 218, the previous County Review Group Meeting comments remain applicable to these properties.



ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

BALTIMORE COUNTY, MARYLAND

Inter-office Correspondence

TO: Gwen Stephens
Docket Clerk, Office of Zoning

DATE: December 16, 1991

FROM: Lawrence E. Schmidt
Zoning Commissioner

SUBJECT: Case No. 92-209-SPH
Ronald Tracy, et al

Newton Williams and Frank Borgerding, Jr. (an associate in Eric DiNenna's office) appeared on this case on Friday, December 13, 1991. This is a case which Eric had filed and there is a letter in the file dated December 2, 1991 from George A. Breschi, Eric's law partner, indicating that the matter was to be set back in for December 13, 1991.

At the hearing, Mr. Williams and Mr. Borgerding indicated that they were not ready to move forward and requested a postponement. I granted same. Apparently, it is unclear as to whether Mr. Borgerding or Mr. Williams, or both, will handle this case. They ask that the matter not be set in until a request is received to do so from either of them. Therefore, please hold this file to be reset for hearing upon request of Mr. Borgerding or Mr. Williams.

Also, kindly advise me if they do not request a hearing by January 15, 1992.

LES:mmn

TO: PETITIONER/ATTORNEY

PETITION PROCESSING FLAG

This petition has been accepted for filing by Mitch Kellman and has been placed on the zoning hearing agenda. However, the submitted minimum or accepted materials must be corrected/included before the application can be considered correct and complete:

_____ Need an attorney.

✓ _____ Following information is missing:

- _____ Descriptions, including accurate beginning point
- _____ Actual address of property
- _____ Zoning
- _____ Acreage
- _____ Plats (need 12, only ___ submitted)
- _____ 200 scale zoning map with property outlined
- _____ Election district
- _____ Councilmanic district
- _____ B.C.Z.R. section information/wording
- _____ Hardship/practical difficulty information
- ✓ _____ Owner's signature (~~need minimum 1 original signature~~) and/or printed name and/or address and/or telephone number
- _____ Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address
- _____ Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
- _____ Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- _____ -- ATTORNEY CONTACTED BY SOPHIA ON _____.
- _____ Notary Public's section is incomplete and/or commission has expired

_____ Residential Variance (Administrative Posting and Approval) will be held in this office until _____ (10 working days). If not corrected and/or completed by that time, it will be returned and a new petition must be filed.

Petition Agenda Check by SCJ

cc: Project Reviewer - Kellman
 Petitioner - Tracy/Martin
 Contract Purchaser - —
 Attorney - DiNenna
 File

CERTIFICATE OF PUBLICATION

NOTICE OF HEARING

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E/S Poplar Drive, 380'
S of c/l Park Drive
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2nd Councilmanic

Petitioner(s):
Ronald Tracy and
Patricia Martin

Hearing Date: Friday,
Dec. 13, 1991 at 9:00 a.m.

Special Hearing: to approve
the non-conforming use of a two
apartment dwelling.

LAWRENCE E. SCHMIDT,
Zoning Commissioner of
Baltimore County

C/J/11/289 November 28.

Nov 29, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov 28, 1991.

CATONSVILLE TIMES

S. Zehe Online
Publisher

\$ 54.06

25

79.16

2804-92
12/4/91
§

DINENNA AND BRESCHI
ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.
GEORGE A. BRESCHI, P.A.

SUITE 600
MERCANTILE TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

FRANCIS X. BORGERDING, JR. ‡
‡ ALSO MEMBER OF DISTRICT OF
COLUMBIA BAR

(301) 296-6820
TELEFAX (301) 296-6884

December 2, 1991

Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: Gwenn

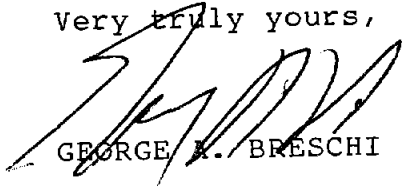
RE: Case No.: 92-209-SPH
Petitioners: Ronald Tracy &
Patricia Martin
Location: 2510 Poplar Drive

Dear Gwenn:

This is to confirm our conversation this date wherein the
above-captioned matter has been set back in for hearing on December 13,
1991, at 9:00 A.M.

Thank you.

Very truly yours,


GEORGE A. BRESCHI

GAB:bjk
Enclosure
cc: Mr. Ronald Tracy & Ms. Patricia Martin

RECEIVED
DEC 4 1991
ZONING OFFICE

Gwen,

Could you please postpone the Ronald Tracy & Patricia Martin matter case no. 92-209-SPH set for hearing on December 13, 1991. If you have any questions please call me Frank Borgerding (Eric's Associate) 296-6820.

Thanks,

Frank

Therese
for Frank

March 25, 1992

To: Baltimore County
Office of Zoning Administration
111 W. Chesapeake Ave.
Towson, Maryland 21204

~~Protestants~~
no
2

Re: Case no 92-209 - SPH, 2510 Poplar Drive
Baltimore, MD. 21207

We the undersigned, residing in the
neighborhood of 2510 Poplar Drive,
Baltimore Md. 21207 do ask that
the single family zoning be upheld
and no special exemption be
given for a 2 apartment dwelling.

1. Joseph V. O'Leary
2400 West Park Dr.

2. Marie L. Rea
2400 West Park Dr
21207

3. [Signature]
3508 Poplar Drive
21207

4. Janet L. Miller
2508 Poplar Dr.
Balt. Md. 21207

5. Lucille Waltemeyer
2516 Poplar Dr.

6. John Meyer
2600 Poplar

7. [Signature]
2600 Poplar Drive 21207

8. Maureen J. Book
2605 Poplar Dr
Baltimore, MD 21207

9. Vicki Hastings
2610 Poplar Dr
Balt. MD 21207

10. [Signature]
2610 Poplar Dr
Baltimore, MD 21207

Re: Case 92-209-SPH

2510 Poplar Dr., Baltimore, Md. 21207

11. ~~M. A.~~ Henry Malcolm

2512 Poplar Dr.

Baltimore Md. 21207

12. Irene J. Conley

2606 Poplar Dr.

Baltimore, Md. 21207

13. Charles F. Conley

2606 Poplar Dr.

Baltu Md 21207

Dec. 7, 1981

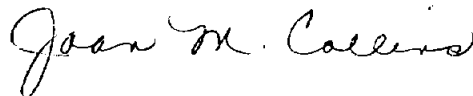
To whom it may concern,

This is to state that the property located at 2510 Poplar Drive in Baltimore, Md. 21207, was owned and occupied by Mr. and Mrs. John P. Collins from 1973 through August of 1986. During the period from 1981 through August of 1986, the property was used solely by our family as a single family dwelling.

Sincerely,

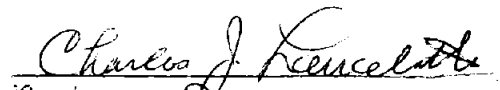


John P. Collins



Joan M. Collins

John P. Collins
Joan M. Collins
2600 McKenzie Road
Ellicott City, MD 21042


Notary Public

7906

Petitioner

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Donald B. Tracy

Patricia M. Wierman

8624 Allenswood Rd. 21133

5412 Gwynndale 21207

FRANCIS X. BORGERDING, JR.
ATTORNEY AT LAW

DINENNA AND BRESCHI
SUITE 600, MERCANTILE-TOWSON BLDG.
409 WASHINGTON AVE.
TOWSON, MD 21204

OFFICE (301) 296-6820
TELEFAX (301) 296-6884

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

William Obriecht

Karen Gray

Angelina Moleculin

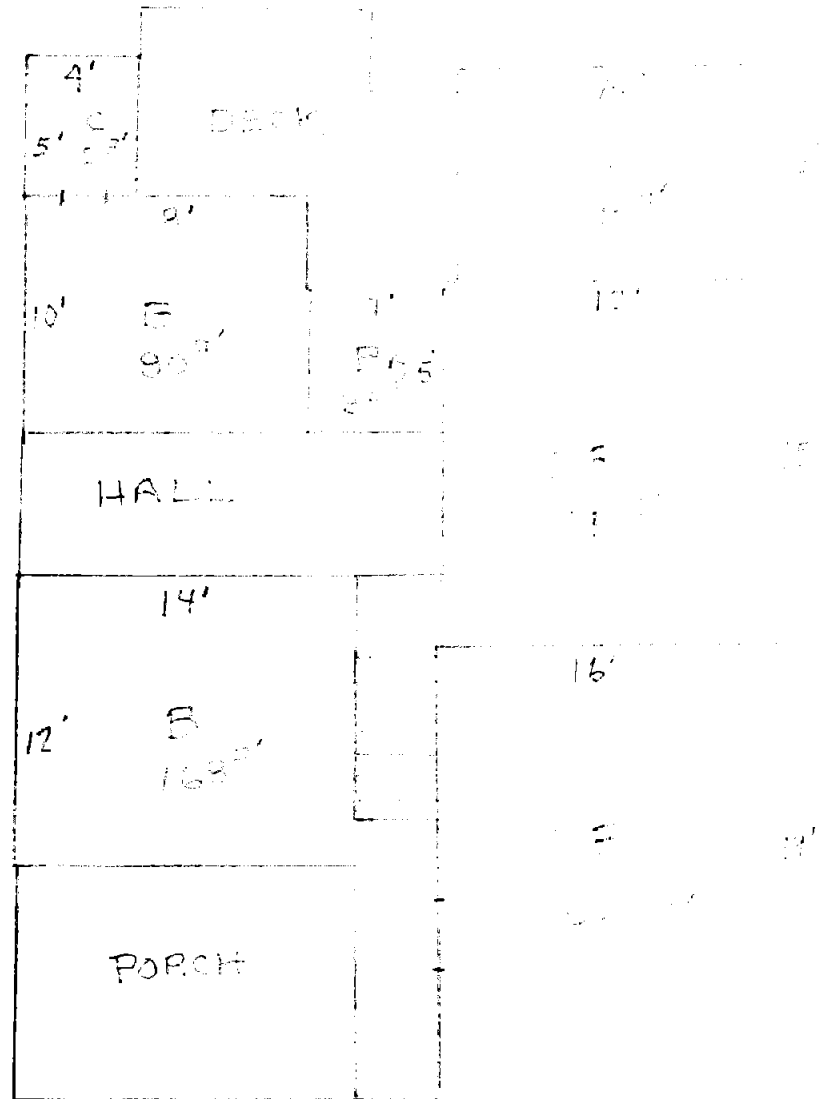
2415 Poplar Dr. 21207

2604 Poplar Dr. 21207

2512 Poplar Dr. 21207

#219

Pet. ex 3



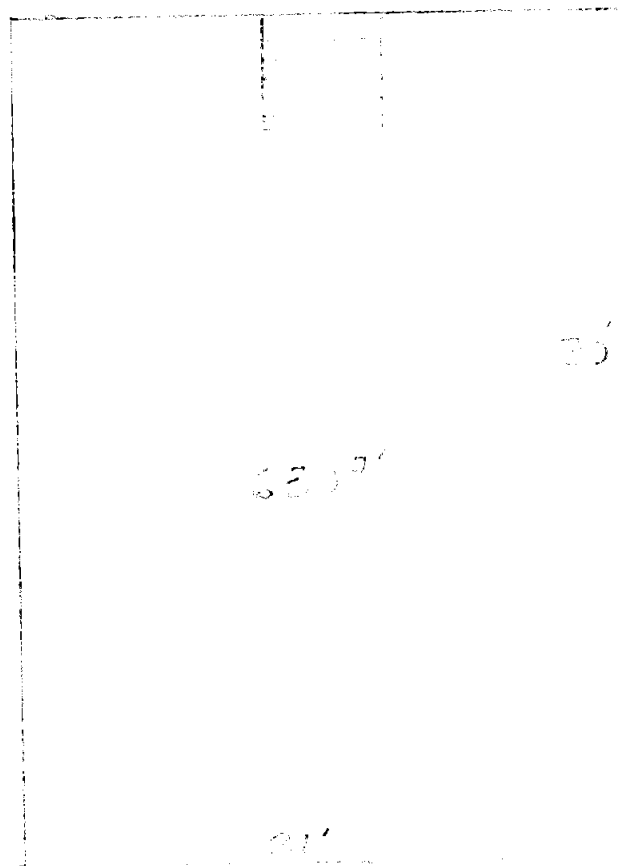
1st Floor Plan

92-209-SPH



END Floor Plan

92-209-SPH



BASELINE